XIV

742

Title of the Regulations Passed ~~by~~ in the Year 1796

Sub. - Law And Legislation | Bengal |

Regulations 1796

WEST BENGAL SECRETARIAT ★ LIBRARY ★

BENGAL SECRETARIAT LIBRARY

# TITLES OF THE REGULATIONS,

*Passed in the year*

1796.

## REGULATION.

I.

A REGULATION *for the trial of the hill people in the districts of Rajmahal, and Boglepore, for crimes and misdemeanors.—Passed on the 1st April 1796.*

II.

A REGULATION *for the guidance of the zillah and city magistrates in the provinces of Bengal, Behar, Orissa, and Benares, in apprehending and bringing to trial European British subjects, charged with acts, which may render them liable to a criminal prosecution.—Passed on the 18th April 1796.*

III.

A REGULATION *for excluding from the jurisdiction of the court of wards, certain descriptions of landed estates belonging to disqualified landholders; and for declaring the rules in Section V, Regulation XLIV, 1793, to extend to the cancelling wholly the leases of those under-farmers, a part only of the land included in whose leases may be sold for arrears of revenue.—Passed on the 22d April 1796.*

IV.

A REGULATION *to provide for the occasional absence of the zillah and city judges and magistrates, in the provinces of Bengal, Behar, Orissa, and Benares, from their respective stations; and prescribing the duties to be performed by the registers of the courts and the assistants on such occasions, as well as in the discharge of their official functions.—Passed on the 13th May 1796.*

V.

A REGULATION *for explaining certain parts of the existing regulations, relative to public sales of land in the provinces of Bengal, Behar, and Orissa.—Passed on the 20th May 1796.*

VI.

A REGULATION *for empowering the court of nizamut adawlut to recommend to the Governor General in Council a mitigation of the punishment declared by the futwah of their law officers; or a pardon of the prisoners thereby declared subject to punishment short of death; and also the pardon of accessaries in certain cases, for the apprehension or conviction of the principal offenders; and for altering the periods of the general jail deliveries in the division of Dacca.—Passed on the 15th July 1796.*

VII.

A REGULATION *for repealing such part of Regulations* VIII, *and* X, 1793, *as excludes the proprietors of land from the management of their estates, on grounds of contumacy, or profligacy of character. Passed on the 22d July 1796.*

VIII.

A REGULATION *to determine the fees receivable by pleaders in the zillah and city courts in the provinces of Bengal, Behar, and Orissa, in suits for the recovery of arrears of rent or revenue, instituted under Regulation* XXXV, 1795.—*Passed on the 2d September 1796.*

# REGULATION.

## IX.

A REGULATION *for the more certain ascertainment of the witnesses whom prisoners, committed for trial before the courts of circuit, may be desirous to have examined in their defence; and of the causes of the non-attendance of any witnesses named by prisoners or prosecutors, to give evidence before the courts of circuit.—Passed on the 23d September* 1796.

## X.

A REGULATION *for the guidance of the courts of justice in cases of a difference of opinion, on the meaning and construction of the regulations.—Passed on the 7th October* 1796.

## XI.

A REGULATION *for providing against resistance to the processes of the zillah and city courts and police officers, as well as for compelling the appearance of persons, charged with acts of a criminal nature, who may abscond, or otherwise evade the process issued against them. Passed on the 28th October* 1796.

## XII.

A REGULATION *for increasing the deposit on the purchase of lands at public sale, from five to fifteen per cent, in the provinces of Bengal, Behar, Orissa, and Benares.—Passed on the 16th December* 1796.

## XIII.

A REGULATION *for repealing such parts of Regulations* V, *and* VI, 1793, *as authorize the execution of decrees, passed by the zillah and city courts in the provinces of Bengal, Behar, Orissa, and Benares, although appealed from to the provincial courts, and of decrees passed by the provincial courts, appealed from to the sudder dewanny adawlut.—Passed on the 16th December* 1796.

BENGAL SECRETARIAT LIBRARY

# A. D. 1796. REGULATION I.

A REGULATION *for the trial of the hill people in the diſtricts of Rajemahl, and Boglepore, for crimes and miſdemeanors.*—PASSED *by the Governor General in Council, on the 1ſt April 1796: correſponding with the 22d Chyte 1202 Bengal era; the 9th Chyte 1203 Fuſſily; the 22d Chyte 1203 Willaity; the 9th Chyte 1853 Sumbut; and the 21ſt Ramzaan 1210 Higeree.*

THE hills ſituated to the ſouth and weſt of Rajemahl, and in other parts of the zillah of Boglepore, are inhabited by a diſtinct and an uncivilized race of people, differing entirely in manners, cuſtoms, and religion, from the inhabitants of the circumjacent country, and who as far as can be traced, never acknowledged the authority of the native Government. Being deſtitute of manufactures, and but little acquainted with agriculture, they ſubſiſted principally by plunder; and their incurſions into the low country, which were attended with every ſpecies of cruelty, had almoſt deſolated the diſtricts to which they were extended. Theſe people were at length induced by the late Mr. Auguſtus Cleveland, the collector of the zillah, to relinquiſh their

predatory

predatory habits, and to submit to the authority of the British administration. Amongst the measures which he adopted with the sanction of Government, for establishing good order throughout the hills, certain pecuniary allowances were granted to the chiefs of the several hills, on condition of their preserving the peace of their respective jurisdictions; and with a view to conciliate the inhabitants, as well as in consideration of their uncivilized state, and entire ignorance of the language, laws, and customs of the Mahomedans and Hindoos, it was determined on the 14th June 1782, that the inhabitants of the hills should not be subject to the jurisdiction of the ordinary tribunals of the country, but that all crimes and misdemeanors committed by them, should be tried by an assembly of their chiefs, to be held at the town of Boglepore, or Rajemahl, or elsewhere in the district, under the superintendence of the magistrate, who was ordered in particular cases, to report the sentences passed by the assembly for the revision of the Governor General and Council. This mode of trial having been found to be highly satisfactory to the hill people, and having answered the purposes of justice, the Governor General in Council has resolved to continue it; but deeming it consistent with the principles of the regulations for the administration of justice, that the revision of the sentences passed by the assembly of hill chiefs, should be transferred from the Governor General in Council, to the nizamut adawlut, under special rules; he has passed this regulation, which is to be considered in force from the date of its promulgation.

Hill people not to be tried by the Mahomedan law nor by the regulations.

II. The hill people in the districts of Rajemahl and Boglepore, shall not be tried for crimes or misdemeanors, by the Mahomedan law, nor by the rules and regulations at present in force, or which may be hereafter enacted, for the trial of other individuals subject to the jurisdiction of the ordinary criminal tribunals of the country.

Hill people charged with

III. All hill people who may be accused of crimes or misdemeanors,

meanors, shall, on their apprehension be brought before the magistrate of Boglepore, who shall cause the complaint, if not preferred to him in writing, to be committed to writing, and attested by the complainant with his signature or mark; and if it shall appear to him on examination of the complainant, or any person, or persons, said to be acquainted with the circumstances of the case, on oath, to be administered and taken according to their religious persuasion, or customs, that the crime, or misdemeanor of which the prisoner may be accused, was never committed, or that there is no ground to suspect him of having been concerned in the commission of it, the magistrate shall cause the prisoner to be forthwith discharged, recording his reasons for so doing.

crimes to be brought before the magistrate, who after due examination shall discharge the prisoner, should there be no grounds of suspicion against him.

IV. *First.* If it shall appear to the magistrate that the crime or misdemeanor was actually committed, and that there are grounds for suspecting the prisoner of having been concerned in the commission of it, the magistrate shall cause him to be committed to prison or held to bail, as may appear to him proper, to take his trial before an assembly of hill chiefs, naibs, and manjeys, to be convened for that purpose by the magistrate, who is required to adopt such measures as may appear to him necessary to ensure the attendance of the prosecutor, and the witnesses on the part of the prosecution, and the prisoner, when the trial shall come on.

Should there be ground for suspicion the magistrate to commit the prisoner or hold him to bail to take his trial before an assembly of hill chiefs to be convened for the purpose.

Magistrate to take the necessary measures for securing the attendance of the prosecutor and witnesses.

*Second.* In all cases of a prisoner being committed or held to bail for trial before a hill assembly, the magistrate, immediately after passing the order of commitment, shall question the prisoner as to whether he wishes to have any witness or witnesses examined in his defence before the assembly, and in the event of the prisoner answering in the affirmative, shall cause a list of the witnesses named by him, specifying their designations and places of abode to be taken down and recorded on his proceedings; or, in the event of the prisoner's replying in the negative, shall cause such answer to be recorded on his proceedings for the information of the assembly, and eventually of the nizamut adawlut.

Rule for ascertaining the necessary particulars respecting prisoner's witnesses.

*Third.*

Magistrate to cause the attendance of witnesses at the desire of the prisoner, although they may not have been named at the time of commitment.

*Third.* An observance of the foregoing rule, will leave all prisoners committed or held to bail for trial before the assembly, without any just ground of complaint that they have not been allowed to bring witnesses in support of their innocence; but as it may happen from want of recollection or other cause, a prisoner, at the time of his commitment, may omit to name a witness whose evidence he may afterwards be desirous to adduce upon his trial, the magistrate shall observe it as a rule, in the event of any prisoner who may be committed or held to bail to take his trial before the assembly, desiring previous to the commencement of the sitting of the assembly, the examination of any witness or witnesses, upon his trial, although the same may not have been named by him at the time of his being committed, or held to bail, he is to be careful to cause the attendance of such witness or witnesses, as well as of those before named, at the time fixed for the trial of the party who may desire their examination.

Magistrate to furnish the assembly with lists of the witnesses and a report in cases of non-attendance.

*Fourth.* The magistrate is to furnish the assembly, together with his proceedings on each trial referred to them, with lists of the witnesses who may have been summoned at the requisition of the prosecutor or the prisoner, specifying those who are in attendance, and such as are absent, with the cause of the non-attendance of the latter. To furnish the assembly with the fullest, and most accurate information on the non-attendance of any absent witness, the above lists shall be accompanied with the original returns made to the magistrate by the nazir, and person deputed on his part, to serve the summons on any witness, who may not be in attendance; and the nazir and the person so deputed on his part, shall be kept in attendance on the assembly, to answer any interrogatories which the members thereof may judge it necessary to put to them. By this means, the assembly will be enabled to ascertain the real causes of the non-attendance of the witnesses, by their own inquiry; and it is expected they will in every instance make such inquiry as far as may be necessary to satisfy themselves, and the court of nizamut adawlut, in cases referrible to that court as here-

Also with the nazir's returns.

Nazir or other officer to be kept in attendance on the assembly.

after

after directed, that all due measures have been taken to cause the attendance of all the witnesses, both on the part of the prosecutor and the prisoner.

V. The magistrate is empowered to hear all petty complaints that may be brought before him, and to decide thereon whenever he can adjust them to the satisfaction of both parties; but in cases in which this cannot be effected, and the party accused shall appear to him deserving of punishment, he is invariably to commit, or hold to bail the prisoner, to take his trial before the ensuing assembly.

Magistrate to hear and decide on petty complaints if he can satisfy the parties.

Otherwise to commit if the accused appear deserving of punishment.

VI. Whenever the complaints specified in the preceding section, shall appear to the magistrate to be litigious, vexatious, or groundless, he is authorized to punish the complainant by confinement for fifteen days, or by corporal punishment, not exceeding fifteen strokes of a rattan.

If the complaint appear litigious, complainant to be punished.

VII. An assembly of hill chiefs, naibs, and manjeys, shall be convened by the magistrate twice in every year, or as often as may be necessary, for the trial of hill people charged with crimes or misdemeanors, under the rules and customs prevalent among them.

Assembly of hill chiefs to be held twice a year, or as often as necessary.

VIII. The magistrate is enjoined to cause to be administered to the chiefs, naibs, and manjeys, who are entitled to sit in judgment, and to pass sentence on the prisoners brought before them, previously to their entering upon the duties for which they are convened, the oath which may be considered by them most solemn and binding. It not having been customary however to administer an oath to the inferior manjeys, who have only a deliberative voice, they are not to be sworn.

Oath to be administered to the chiefs.

Inferior manjeys not to be sworn.

IX. The magistrate is empowered to cause the assembly to be held in any part of the zillah of Boglepore which he may consider

Assembly to be held in any part of the district of Boglepore, and to be ad-

most

Journal when the business shall be concluded.

most convenient, and to adjourn the assembly as soon as the business for which it may have been convened shall be completed.

Assemblies to be held in the presence of the magistrate, who is authorized to suggest questions.

X. *Item.* The assemblies are to be held in the presence of the magistrate, who is authorized to suggest such questions to be put by the court to the witnesses, or to the prisoner, as he may think necessary, as well for the purpose of bringing all the circumstances of the case before the court, as for enabling the nizamut adawlut to decide finally on such cases as may be ultimately submitted to them. He shall also cause the assembly to observe in their proceedings as much regularity as circumstances will admit; and he is authorized to allow such examinations as may have been taken before him, in the first instance, and shall have been fully and freely admitted by prisoners on their trial, to form a part of the proceedings. But he shall not exercise any interference whatever, nor suffer his officers or any person, not being a member of the court, to interfere in any respect with the deliberations or sentences of the court.

Magistrate to cause regularity to be observed in the proceedings. Examinations taken him admitted by prisoner to form a part of the proceedings.

Magistrate and his officers not to interfere in the deliberations.

Magistrate authorized to confirm sentences for confinement not exceeding fourteen years.

To carry the sentences into execution if approved; or mitigate the punishment, if too severe; in the latter case to report the circumstance to the nizamut adawlut.

XI. If sentence of confinement shall be passed on a prisoner for a term not exceeding fourteen years, the magistrate, provided he shall approve of the sentence, is authorized to confirm it, without any reference to the nizamut adawlut. The magistrate shall carry such sentences into immediate execution if he shall approve of them; or he shall mitigate the punishment adjudged by them if it shall appear to him too severe. But in every instance in which this discretion shall be exercised by him, he is required to report the circumstance to the nizamut adawlut, and to state his reasons to that court for any alteration he may make in the sentence of the assembly.

Magistrate to transmit proceedings to the nizamut adawlut if the sentence adjudge capital punishment.

XII. Should the sentence adjudge the offender or offenders to suffer death, or mutilation, or imprisonment for a term exceeding fourteen years, the magistrate is to transmit the original proceed-

ings

ings held on the trial, with a translate thereof, to the nizamut adawlut, with his opinion on each case.

ment, mutilation or imprisonment exceeding fourteen years.

XIII. *First.* The court of nizamut adawlut shall revise the proceedings on the trials transmitted to them under the preceding section, and shall confirm or alter the sentences, or pass such sentence as they may judge equitable under the rules and restrictions contained in the following clauses.

Nizamut adawlut to revise the proceedings and to confirm or alter the sentence.

*Second.* It shall not be competent to the nizamut adawlut to pass sentence of capital punishment on any prisoner who may not have been adjudged to suffer death by the assembly.

Restriction with regard to adjudging capital punishments.

*Third.* All sentences of mutilation, provided the court shall be satisfied of the prisoner's guilt, shall be commuted to imprisonment for fourteen years, if the prisoner shall have been sentenced to lose two limbs; and for seven years, if he shall have been sentenced to lose one limb. If the court, on a consideration of the case, shall not consider the prisoner deserving of so long a period of imprisonment as is above prescribed, they shall restrict it to such shorter period as they may think proper.

Sentences of mutilation to be commuted to confinement for fourteen or seven years.

Court authorized to shorten the term.

*Fourth.* A custom having obtained amongst the hill people, in certain cases of murder, of leaving the option to the next of kin to the deceased, either to pardon the murderer, or to demand retaliation, or a pecuniary compensation, the operation of this custom shall not be admitted. But in all cases in which a prisoner shall be pronounced by the assembly guilty of murder, and the cases shall be such, that the prisoner would be liable to suffer death, supposing the option abovementioned were to be continued, and the heir or heirs should demand retaliation, the prisoner shall be sentenced to undergo capital punishment, and shall suffer death accordingly.

The will of the heir not to have operation in having capital punishment.

*Fifth.* In all cases in which a prisoner shall be sentenced to suffer

Should the prisoner be deem-

*If a proper object for mercy, the court to recommend a pardon to the Governor General in Council.*

suffer death by the assembly of hill chiefs, and the nizamut adawlut shall deem him a proper object for mercy, the court shall submit the case to the Governor General in Council, and recommend a pardon, or such commutation of the sentence, as may appear to them proper on a consideration of the circumstances of the case.

*Magistrate within ten days to transmit to the nizamut adawlut a record of the trial referrible to the court with a translation.*

XIV. The magistrate within ten days after the adjournment of every hill court, or as much earlier as circumstances may admit, shall transmit to the nizamut adawlut a Persian record (to be obtained through the medium of the bundwaries or interpreters,) and an English translate of all trials that are referrible to them, with a separate letter containing his remarks on each particular case.

*Register to the nizamut adawlut within six days after sentence shall be passed to transmit a copy to the magistrate, who shall execute it.*

XV. The register to the nizamut adawlut, within six days after every final sentence shall be passed, shall transmit a copy of it, under the seal of that court, and attested with his official signature, to the magistrate of Boglepore, who shall cause the same to be executed without delay, reporting to the nizamut adawlut the manner in which the sentence has been enforced.

*Magistrate to include the hill prisoners in the reports required by Regulation IX, 1793.*

XVI. The magistrate shall include the names of the hill prisoners in the 1st, 3d, 4th, 5th, and 6th reports, which he is required to keep, and transmit monthly to the nizamut adawlut, by Section XXX, Regulation IX, 1793, according to their respective descriptions, and to consider them when apprehended, and after sentence, in every other respect in the same situation as the rest of the prisoners under his charge.

*Where no specific rule exist, magistrate to act according to equity and good conscience.*

XVII. In cases coming under the cognizance of the magistrate of Boglepore in any respect connected with the trial of hill prisoners, for which no specific rule is prescribed in these regulations, he is to act according to justice, equity, and good conscience, bearing in mind, that he is to show every indulgence and attention to the prejudices and customs of the hill people, consistently with the principles of justice.

# A. D. 1796. REGULATION III.

A REGULATION *for the guidance of the zillah and city magistrates in the provinces of Bengal, Behar, Orissa, and Benares, in apprehending and bringing to trial European British subjects charged with acts which may render them liable to a criminal prosecution.* — PASSED *by the Governor General in Council, on the 18th April 1796; corresponding with the 9th Bysaak 1203 Bengal era; the 26th Chyte 1203 Fussly; the 9th Bysaak 1203 Willaity; the 26th Chyte 1853 Sumbut; and the 9th Sawaul 1210 Higeree.*

THE Act of 21 Geo. III, Cap. 65, having empowered the Governor General in Council, by commissions under the seal of the Supreme Court of Judicature, tested in the name of the Chief Justice, to appoint covenanted servants of the Company, or other British inhabitants whom he may think properly qualified, to act as justices of the peace; and the persons so appointed, after taking before the court of oyer and terminer at this presidency, the like oaths as are appointed to be taken by justices of the peace in Great Britain, (with certain exceptions provided by the act abovementioned,)

ed,) being vested with full power and authority to act as justices of the peace, according to the tenor of their commissions, in and for the places therein specified; the Governor General in Council, among other resolutions passed in pursuance of the above act on the 27th January 1794, resolved as follows, viz. "That for the purpose of investing the magistrates of the several zillahs, and of the cities of Dacca, Moorshedabad, and Patna, with legal authority to apprehend and send to Calcutta, Europeans who may offend against the peace, they be respectively appointed justices of the peace, according to the act above cited, within their several jurisdictions as now or hereafter constituted, and that they be named in the warrant to be issued to the judges of the Supreme Court accordingly; but, as it would be expensive and inconvenient to require them all to repair immediately to Calcutta, to take the prescribed oath of qualification, that they be directed to take this oath as they may hereafter occasionally visit the presidency, and in the mean time be apprized that their execution of the functions of a justice of the peace must remain suspended agreeably to the restriction to this effect in the 152d clause of the act above noticed." This appointment of the zillah and city magistrates to be justices of the peace rendering it unnecessary, after they have respectively taken the oath of qualification, to send European British subjects apprehended by them to be committed for trial by one of the judges of the Supreme Court of Judicature, as directed in Section XIX, Regulation IX, 1793, and the observance of this mode of commitment being liable to occasion considerable inconvenience to the witnesses, one or more of whom must attend at Calcutta with the prisoner to give evidence to warrant his commitment; to obviate this inconvenience, and in pursuance of the foregoing appointment of the zillah and city magistrates to be justices of the peace within their respective jurisdictions, the Governor General in Council has resolved to rescind Section XIX, Regulation IX, 1793, and the following rules are hereafter to be observed in the place of it.

II. *First.*

II. *First.* All Europeans, not British subjects, are amenable to the authority of the magistrates and courts of circuit within whose jurisdictions they may be apprehended and brought to trial, in common with the natives of the country. But European British subjects, for all acts of a criminal nature, are amenable only to the Supreme Court of Judicature at Calcutta; and in the event of any charges being preferred against them, which may render them liable to a criminal prosecution in that court, the following process is to be observed for their apprehension and trial.

Process to be observed for apprehension and trial of European British subjects, liable to a criminal prosecution.

*Second.* If the zillah or city magistrate, before whom the charge against such European British subject may be preferred, shall have taken the oaths of qualification as a justice of the peace, and thereby have become vested with the full power and authority of a justice of the peace, under the provision made for that purpose by the act of 21 Geo. III. Cap. 65; the magistrate, upon the charge or information being lodged before him upon oath, is to proceed to the apprehension of the party accused; and, provided the evidence against him be sufficient to warrant the same, to his commitment for trial, as he is authorized and required to do by virtue of his commission as justice of the peace; and if there appear to him sufficient grounds for committing such British subject for trial, he is to issue a warrant under his signature and official seal, directed to the Sheriff of Calcutta, and commanding him to receive the prisoner into his custody for trial at the ensuing sessions; he is likewise to bind over the prosecutor to repair to Calcutta before the session next ensuing, and is to take recognizances from the witnesses for their appearance at the trial.

If the charge be preferred to a magistrate qualified to act as justice of the peace.

*Third.* If the zillah or city magistrate, before whom an European British subject may be charged as aforesaid, shall not have taken the oath of qualification, and be therefore unqualified to act as justice of the peace under the act of parliament above recited, upon the charge or information being lodged before him upon oath, he is to make a summary enquiry into the circumstances of

If the magistrate to whom the charge may be preferred be unqualified to act as justice of the peace.

the

the charge without delay: and if there appear to be sufficient grounds for committing such British subject for trial, he is to be apprehended and immediately conveyed under safe custody to Calcutta; and a report of the case made at the same time to the court of nizamut adawlut, who, on his arrival at the presidency, are to instruct the Honorable Company's Attorney, to take the necessary measures for his commitment, and trial at the ensuing session; two witnesses to the facts alledged against the prisoner (if so many be procurable) are also to be sent with him to Calcutta; or bound to appear and give evidence for the purpose of his commitment at the time of his arrival; and a list of such witnesses is in all cases to accompany the letter sent with the prisoner to the court of nizamut adawlut. The magistrate is further to bind over the prosecutor to repair to Calcutta before the session next ensuing, and is to take penal recognizances from the witnesses for their appearance at the trial.

Allowance to be made to prosecutors and witnesses in need of pecuniary assistance.

III. In all cases of inability of the prosecutor or witnesses, to defray the charge of the journey to Calcutta, the magistrate is authorized to make them the same allowance, as by Section XXVI, Regulation IX, 1793, he is authorized to make to prosecutors and witnesses in need of such assistance during their attendance on the courts of circuit, viz. a daily allowance of two annas each during their attendance on the Supreme Court, including the actual period of their journey to and from Calcutta, or sufficient time for their return after their discharge from the court, in cases wherein it may appear they have voluntarily protracted their return beyond what was necessary.

Zillah and city magistrates to take the preliminary [illegible] as justices of the peace, within six months from this date; or the dates of their future appointments.

IV. To obviate as far as possible the inconvenience stated in the preamble to this regulation, in cases of complaints of a criminal nature against European British subjects being preferred to a zillah or city magistrate, not qualified to act as justice of the peace, the magistrates of the several zillahs, and of the cities of Dacca, Moorshedabad, Patna, and Benares, who have not already

dy taken the prescribed oath of qualification to act as justice of the peace of their respective districts, are required to do so within six months from this date; and all persons hereafter appointed to the station of zillah or city magistrate, are required to take the said oath within six months from the date of their appointment; unless, in any particular instance, it should be necessary or convenient to defer the same to a later period, in which case, the court of nizamut adawlut, on application being made to them, are authorized to grant such extension as they may judge proper, so that, in no instance, without the sanction of the Governor General in Council, in cases of emergency, the taking the oath, in the manner prescribed in the act of parliament aforesaid, shall be deferred beyond a twelve month from the date of appointment of any zillah or city magistrate hereby required to take the same.

Exceptions.

# A. D. 1796. REGULATION III.

A REGULATION *for excluding from the jurisdiction of the court of wards, certain descriptions of landed estates belonging to disqualified landholders; and for declaring the rules in Section* V, *Regulation* XLIV, 1793, *to extend to the cancelling wholly the leases of those under farmers, a part only of the land included in whose leases may be sold for arrears of revenue.*—PASSED *by the Governor General in Council, on the* 22*d April,* 1796; *corresponding with the* 13*th Bysaak* 1203 *Bengal era; the* 30*th Chyte* 1203 *Fussily; the* 13*th Bysaak* 1203 *Willaity; the* 30*th Chyte* 1853 *Sumbut; and the* 13*th Showaul* 1210 *Higeree.*

REGULATION X, 1793, exempting the lands of disqualified proprietors from sale for arrears of public revenue accruing whilst under the management of the court of wards, instances have occurred in which individuals have transferred their estates to their minor sons, in order to bring the lands under the jurisdiction of that court. As the admission of transfers of this description

description would not only be inconsistent with the object of the said regulation, (which was intended for the security of the property of disqualified persons succeeding to estates in the regular course of inheritance on the demise of the party from whom they might inherit,) but would also enable every individual, the revenue assets of whose estate might be diminished by mismanagement, or from other causes, so as to be inadequate to the payment of the public demands, to bring his estate under the jurisdiction of the court of wards, by a real or fictitious transfer of it to a minor son, or other disqualified person, and thereby in fact not only compel government to undertake the management of his estate, but also to submit to a loss equivalent to the deficiency in its revenue assets; and doubts having been entertained whether the rules in Section V, Regulation XLIV, 1793, extend to the cancelling wholly the leases of those under farmers, a part only of the lands included in whose leases are sold for arrears of public revenue; the following rules have been enacted.

Ordinary jurisdiction of the court of wards declared to extend to such lands only as devolve to the disqualified proprietors by inheritance on the demise of the party from whom they inherit.

II. The ordinary jurisdiction of the court of wards is declared to extend to such estates only as devolve to disqualified landholders in the regular course of inheritance, on the demise of the party from whom they inherit the same; and all landed estates, whether subject to, or exempt from, the payment of revenue, which have or may become the property of any disqualified landholder, by purchase, gift, or in virtue of any other right excepting that of inheritance as aforesaid, are declared exempt from the jurisdiction and authority of the court of wards, and, if subject to the payment of public revenue, shall be liable to sale for arrears thereof, and all other demands on the part of government, in the same manner as if the proprietor or proprietors were not under any disqualification. Provided however, that the above rule shall not be construed to extend to exempting from the jurisdiction of the court of wards, any lands the property of a disqualified landholder now under their charge, which did not de-

Exception with respect to lands of other descriptions belonging to disqualified proprietors which may be now under charge of the court, or,

volve

volve to him or her in the regular course of succession as aforesaid; nor to subjecting any such lands to sale for arrears of revenue on account of the period during which they have been, or may be, under the charge of the court; and provided also that it shall be competent to the Governor General in Council to commit to the charge of the court of wards, any estate paying revenue to government, being the sole property of any disqualified person, or of any two or more persons, both or all of whom may be disqualified, although the same shall not have descended to such person or persons in the regular course of inheritance as aforesaid, and also any lakheraje lands belonging to such proprietor or proprietors, whenever the same shall appear to him for the interests of government and the proprietor or proprietors; and such estate and lands so committed, to the charge of the court of wards shall be exempt from sale for arrears of revenue accruing whilst they shall be under the charge of the court, and shall be considered in all respects, as far as regards the management of them by the court, the same as if they had devolved to the proprietor or proprietors in the regular course of inheritance as aforesaid, and the proprietor or proprietors shall in all respects be treated by the court accordingly.

which the Governor General in Council may hereafter commit to the charge of the court under the power herein reserved to him.

III. The rules contained in Section V, Regulation XLIV, 1793, are hereby declared to extend to the cancelling wholly the leases of those under farmers, a part only of the lands included in whose leases may be sold for the discharge of arrears of public revenue.

Leases of under farmers, a part only of the lands included in whose leases are sold for arrears, declared cancelled under Section V, Regulation XLIV, 1793.

# A. D. 1796. REGULATION IV.

A REGULATION *to provide for the occasional absence of the zillah and city judges and magistrates, in the provinces of Bengal, Behar, Orissa, and Benares, from their respective stations; and prescribing the duties to be performed by the registers of the courts and the assistants on such occasions, as well as in the discharge of their official functions.*—PASSED *by the Governor General in Council, on the* 13*th of May* 1796, *corresponding with the* 3*d Jeyte* 1203 *Bengal era; the* 21*st Bysaak* 1203 *Fussily; the* 3*d Jeyte* 1203 *Willaity; the* 21*st Bysaak* 1853 *Sumbut; and the* 4*th Zekaad* 1210 *Higeree.*

NO rule being prescribed in the existing regulations for the mode in which application is to be made by the zillah or city judges and magistrates for occasional leave of absence from their respective stations; or for communicating a compliance with such applications to the provincial courts of appeal and circuit; and the registers to the zillah and city courts, being restricted by Section VII, Regulation XII, 1793, from exercising the powers of judge in the event of the temporary absence, or indisposition

of

of the judge, or of the office of judge being vacant, without the expreſs ſanction of the Governor General in Council; whereby the precepts of the provincial courts have in ſome inſtances remained unexecuted without cauſe being ſhewn for the ſame, and the buſineſs of the ſaid courts has been thereby delayed and obſtructed; to obviate theſe and other impediments ariſing from the omiſſions and reſtrictions abovementioned, the following rules are now enacted, and are to be conſidered in force from the time of their being received by the ſeveral zillah and city courts reſpectively.

Zillah and city judges to apply to the Governor General in Council, for permiſſion to quit their ſtations, and to wait the receipt thereof.

Except in emergent caſes.

What the letter of application is to contain.

II. Any zillah or city judge and magiſtrate who may be deſirous of quitting his ſtation, on whatever account, is to apply for permiſſion to the Governor General in Council, and, except in emergent caſes of indiſpoſition, is not to leave his ſtation until ſuch permiſſion ſhall have been obtained and received. The letter of application is to ſpecify the purpoſe for which the leave of abſence is applied for; the period for which it is deſired; and the name of the regiſter, or ſenior aſſiſtant on the ſpot, to whom the charge of the offices of judge and magiſtrate will devolve, if not otherwiſe provided for.

The Governor General in Council will determine in every inſtance whether to delegate the duties of judge and magiſtrate, to the regiſter and ſenior aſſiſtant, or to appoint any other perſon thereto.

III. The Governor General in Council, on receipt of the abovementioned applications, will determine in every inſtance, wherein he may grant leave of abſence to the judge and magiſtrate to quit his ſtation, whether to delegate the temporary execution of the duties of judge and magiſtrate, to the regiſter or ſenior aſſiſtant on the ſpot; or to appoint any other perſon by a ſpecial commiſſion thereto; or to make other proviſion for carrying on ſuch part of the buſineſs of the ſtation, civil and criminal, as cannot be poſtponed, according to the urgency and circumſtances of the caſe. The reſult of this determination will be immediately communicated to the judge and magiſtrate, and his regiſter and aſſiſtant, or any other perſon appointed to act for him; and notice of it is to be given at the ſame time to the courts of ſudder dewanny and nizamut

To whom his determination will be communicated.

nizamut adawlut, and the provincial courts of appeal and circuit, within whose jurisdiction the zillah or city court of the judge and magistrate, to whom leave of absence may be granted is situated.

IV. The zillah or city judges and magistrates to whom leave of absence may be granted, are to report their actual departure from their stations, as well as their return thereto, to the Governor General in Council, the courts of sudder dewanny and nizamut adawlut, and the courts of appeal and circuit, within whose jurisdiction their respective courts may be situated.

To whom zillah and city judges and magistrates are to report their departure from, and return to, their stations.

V. In cases wherein the charge of the offices of judge and magistrate of any zillah or city may, from death, indisposition, or other casualty, devolve to the register or senior assistant on the spot, without any express provision for the same having been made by the Governor General in Council, as specified in Section III, of this regulation, an immediate report of the circumstances of the case is to be made, by such register or assistant, to the Governor General in Council for his orders; and, till the receipt thereof, he is to confine himself to the discharge of the proper duties of his station as register or assistant; and to the exercise of such part of the powers of judge and magistrate as may be indispensibly necessary for the immediate execution of processes from the provincial courts of appeal and circuit; or of orders from the sudder dewanny and nizamut adawluts; for preserving the peace of the district, or for such other cases of emergency as will not admit of delay.

Report to be made to the Governor General in Council, when the offices of judge and magistrate may devolve to the register and senior assistant, from death, indisposition, or other casualty.

Duties to be performed by the register and assistant in such case till the receipt of orders.

See. Cl: sec. Sec XIV. Reg. II. 13

VI. The foregoing rules are meant to supersede and rescind such part of Section VII, Regulation XIII, 1793, as respects the duties of the registers and assistants to the judges and magistrates of the several zillahs, and the cities of Dacca, Moorshedabad, Patna, and Benares, in the event of the temporary absence or indisposition of the judge or magistrate, or of the offices of judge and magistrate becoming vacant by death or otherwise; but the latter part of the said section, which restricts the registers in general from the exercise

What part of Regulation XIII, 1793, is meant to be rescinded by the foregoing rules.

What part to be still considered in force.

exercise of any powers not vested in them or authorized to be delegated to them by the regulations, is still to be considered in full force; and it is hereby declared to apply equally to all assistants to the zillah and city courts, civil or criminal; who are to perform all such ministerial acts as may be prescribed to them by the judges and magistrates, consistently with the regulations; but are in no cases to exercise judicial powers, either civil or criminal, except in the cases expressly provided for by this regulation, or in which they have been, or may be, expressly authorized to exercise such powers by some regulation passed on or subsequent to the 1st May, 1793, and printed and published in the manner directed in Regulation XLI, 1793.

General duty of all assistants to the zillah and city courts, civil and criminal, and prohibition of their exercise of judicial powers, without express authority.

# A. D. 1796. REGULATION V.

A REGULATION *for explaining certain parts of the existing regulations relative to public sales of land in the provinces of Bengal, Behar, and Orissa.* PASSED *by the Governor General in Council, on the* 20*th May* 1796; *corresponding with the* 10*th Jeyte* 1203 *Bengal era; the* 28*th Bysaak* 1203 *Fussily; the* 10*th Jeyte* 1203 *Willaity; the* 28*th Bysaak* 1853 *Sumbut; and the* 11*th Zekaad* 1210 *Higeree.* Extended to Benares by Sect.n XXVI. Reg.n V. 1800.

REGULATIONS XIV, 1793, and III, 1794, prescribe the process to be observed in the sale of land for the recovery of arrears of the public revenue; and Regulation XLV, 1793, contains rules for the disposal of lands by public sale in satisfaction of decrees of the courts of justice. No provision however being made in these regulations for cases in which the amount bid for the lands put up to sale may exceed the amount to be recovered by the sale, a doubt has arisen, whether, in such cases, the whole of the lands put up are to be disposed of; or a proportion only, equal to the amount due. With a view therefore to remove all doubt on this head, and at the same time to obviate the ill consequences to be apprehended from any uncertainty or difficulty in the public sales of land, the following explanatory rule has been enacted by the Governor General in Council.

II.

Lands put up to sale to be proportionate to amount recoverable.

ered by
.VI. Reg.n
1801.

II. In all cases wherein a sale of lands may be necessary for the recovery of arrears of the public revenue, or in satisfaction of a decree passed by any court of judicature, or in any other case wherein a public sale of lands may be authorized by the existing or future regulations of government; the collector, or other officer to whom the sale may be committed, is to be careful to select for the sale, such lands as from the current value of similar lands, considered with all the information he may possess respecting those to be sold, may appear likely to sell for the amount to be recovered by the sale, and no more.

Lands to be sold in distinct lots, if consisting of mohauls separately assessed,

Or, though not separately assessed, if of considerable extent, and easily divisible.

III. In all cases of public sales, the lands disposed of, if consisting of distinct mohauls, separately assessed for the public revenue, are to be sold in distinct lots according thereto; or though not separately assessed, if the lands to be disposed of be of considerable extent and so situated that they can without much delay or difficulty be divided into distinct lots, they are to be so divided and sold accordingly; due regard being had in selecting and assessing the lands so allotted, to the rules laid down in Section X, Regulation I, 1793, and Section VIII, Regulation XXV, 1793, as far as the same may be applicable. Provided nevertheless, that nothing in this regulation shall be understood to require the division of an estate in instances wherein the proprietor may, by a written application, desire to have the whole sold in one lot, or wherein from local circumstances it may appear more for the advantage of the proprietor, that the whole be sold in one lot.

Proviso.

To what extent the sale is to be made when the lands consist of several lots.

IV. In cases when the lands to be disposed of shall have been divided as above, into separate lots, if the amount bid for the first lot put up, or for any number of lots less than the whole, be sufficient to make good the sum due, with the costs of sale, the remaining lots are not to be disposed of. But if the amount bid for any lot shall exceed the sum due and costs of sale, the entire lot shall notwithstanding be disposed of, and the excess above the sum due and costs, (unless otherwise directed,) be paid to the proprietor of the lands, who,

by

by this means will receive the full value of his property; whereas were the sale to be restricted to a portion of the lot, the purchaser, from the delay and difficulties of a division; would probably be deterred from offering so advantageous a price.

V. For the reason above stated, in all cases of lands being put up to public sale in one lot, the whole are to be disposed of, whether the amount bid for them be more or less than the sum due, and in the event of an overplus, it is to be paid to the proprietor of the lands, after deducting the costs of sale; unless by any special order it may be otherwise directed.

Or, if one lot only.

# A. D. 1796. REGULATION VI.

A REGULATION *for empowering the court of nizamut adawlut to recommend to the Governor General in Council a mitigation of the punishment declared by the futwah of their law officers; or a pardon of the prisoners thereby declared subject to punishment short of death; and also the pardon of accessaries in certain cases, for the apprehension or conviction of the principal offenders; and for altering the periods of the general jail deliveries in the division of Dacca.*—PASSED *by the Governor General in Council, on the 15th July 1796; corresponding with the 3d Sawun 1203 Bengal era; the 25th Assar 1203 Fussily; the 3d Sawun 1203 Willaity; the 25th Assar 1853 Sumbut; and the 18th Mohurrum 1211 Higeree.*

BY Section LXXIX, Regulation IX, 1793, if any criminal sentenced to suffer death shall appear to the nizamut adawlut to be a proper object for mercy, they are directed to submit the case to the Governor General in Council; and, according to the circumstances of it, either to recommend a pardon, or such commutation of the punishment as they may think proper. But no

provision

provision has been made for a mitigation of punishment or pardon, when the sentence is short of death; or for a pardon of accessaries with a view to the apprehension or conviction of the principal offenders. In addition therefore to the foregoing section of Regulation IX, 1793, and to obviate the inconveniences experienced by the court of circuit for the division of Dacca from the periods fixed for the commencement of the general jail deliveries by Section XL, of the abovementioned regulation, the following rules have been enacted.

Court of nizamut adawlut may in all cases recommend to the Governor General in Council to mitigate the punishment declared by the futwah of the law officers, or to pardon the prisoner thereby convicted.

II. *First.* In all instances wherein the futwah of the law officers of the nizamut adawlut shall declare the prisoner or prisoners liable to more severe punishment, than under the evidence and all the circumstances of the case, shall appear to that court to be just and equitable; and the Mahomedan law shall not allow a discretion to the court in determining the degree of punishment, (as it does in all cases of tazeer or chastisement,) the court of nizamut adawlut are to pass sentence according to the existing regulations; but are authorized to suspend the execution thereof, and to submit the case to the Governor General in Council, with a recommendation, either to mitigate the punishment, or to pardon the prisoner, according to the evidence and the circumstances of the case.

Proviso.

*Second.* Provided that in all instances wherein the court of nizamut adawlut may avail themselves of the authority granted by this regulation, they are to state their reasons at large for the mitigation of punishment, or pardon recommended by them.

The nizamut adawlut may recommend a pardon to accessaries in crimes of a heinous nature, for the apprehension or conviction of the principal offenders.

III. In cases of a heinous nature, such as murder, gang robbery, arson, and the like, wherein the crime may be known to have been committed by several persons, the principal of whom may not have been apprehended or convicted, if, on the representation of the zillah or city magistrates, or judges of the courts of circuit, it shall appear to the nizamut adawlut, that an offer of pardon

don to one or more of the ſuppoſed acceſſaries on condition of their making a full diſcloſure of every circumſtance within their knowledge, relative to the commiſſion of the crime and the ſeveral perſons concerned in it may lead to the apprehenſion or conviction of the principal offender or offenders; the court are to ſubmit the caſe to the Governor General in Council, who, if he approve the ſame, will authorize ſuch offer of pardon: and, on the condition of it being fulfilled, the court of nizamut adawlut are to confirm it by a written certificate or teſtimonial under the ſignature of their regiſter and the ſeal of the court, to be delivered to the party or parties for his or their ſecurity, as far as regards the act or acts therein referred to.

In what manner ſuch pardon is to be granted.

IV. The judges of the courts of circuit, and the ſeveral zillah and city magiſtrates, after the receipt of this regulation, are to report to the nizamut adawlut whenever it may appear to them expedient to tender an offer of pardon for the purpoſe ſtated in the foregoing ſection, communicating at the ſame time all the information they may poſſeſs reſpecting the circumſtances of the caſe; as well as the meaſures taken to apprehend or convict the offenders, for whoſe apprehenſion or conviction, the propoſed pardon may be recommended.

Judges of the courts of circuit and zillah and city magiſtrates to report caſes in which a pardon, for the above purpoſes ſhould be offered.

V. The rules contained in the preceding ſections are to be conſidered in force from the date of the receipt of the regulation by the court of nizamut adawlut, and are to extend to the provinces of Bengal, Behar, Oriſſa, and Benares.

From what period the foregoing rules to be conſidered in force.

VI. The judges of the court of circuit for the diviſion of Dacca ſhall ſet out on the circuits on the 1ſt January and the 1ſt July, inſtead of the 1ſt April and the 1ſt November, as directed by Section XL, Regulation IX, 1793.

At what periods the Dacca court of circuit are in future to ſet out on the circuits.

# A. D. 1796. REGULATION VII.

A REGULATION *for repealing ſuch part of Regulations* VIII, *and* X, 1793, *as excludes the proprietors of land from the management of their eſtates on grounds of contumacy, or profligacy of character.*—PASSED *by the Governor General in Council, on the* 22*d July* 1796, *correſponding with the* 10*th Sawun* 1203 *Bengal era; the* 3*d Sawun* 1203 *Fuſſily; the* 10*th Sawun* 1203 *Willaity; the* 3*d Sawun* 1853 *Sumbut; and the* 15*th Mohurrum* 1211 *Higeree.*

CONSIDERATIONS of humanity, and a regard to the interest of individuals who from natural or other diſqualifications might be conſidered incapable of managing their own eſtates, induced the Governor General in Council, in framing the rules contained in Regulation VIII, 1793, for a permanent ſettlement of the territorial revenue of the Company's provinces, to exclude from the general ſettlement with the proprietors of the ſoil, certain deſcriptions of perſons who from natural defects or infirmities were deemed incompetent to the management of their lands, and to direct that the ſame ſhould be managed for the benefit of the proprietors, by perſons appointed to the truſt by government under the reſtrictions preſcribed in Regulation X, 1793. From ſimilar motives

tives, and with a view to provide against particular cases of contumacious conduct, this exclusion was in like manner extended to persons whom the Governor General in Council might deem disqualified on account of contumacy, or notorious profligacy of character. But that these grounds of disqualification might not be assumed against any landholder without a fair investigation, and the fullest evidence, it was enacted by Clause IV, Section V, Regulation X, that if a proprietor of land should be deemed disqualified on the ground of contumacy or notorious profligacy of character, an enquiry into the circumstances of the case should be made in the presence of the party or his vakeel by the judge of the zillah or provincial court, (as might be directed by the sudder dewanny adawlut,) that the party or his vakeel should be allowed to bring any evidence he might have to adduce, and finally that the whole proceedings upon the case should be submitted for the consideration and decision of the sudder dewanny adawlut, which court is to determine whether the stated ground of disqualification be well founded or otherwise. The public judicial enquiry ordered by the aforementioned regulation to establish profligacy of character, was obviously intended for the security and benefit of the parties to be affected thereby. But experience has shewn that it is liable to ill consequences which far overbalance the advantages intended by it, and must, in many instances, by an exposure of private conduct and character in a public court of justice, be extremely offensive to those who are the objects of it, and may in some instances, particularly to Hindoo proprietors of land, prove highly injurious; than which nothing could be more foreign to the intention and wish of government. For this reason, and further in consideration of the general and indefinite terms in which the grounds of disqualification abovementioned are unavoidably stated; as well as in the expectation that the objects intended by the disqualification of landholders on these grounds, will be sufficiently attained by the due administration of the laws, and the sense of interest, which, now that the revenue of government is fixed, should impel every landhol-

der

der to the utmoſt improvement of his own eſtate; the Governor General in Council has reſolved to alter, and in part reſcind, the exiſting regulations reſpecting diſqualified proprietors of land, to the following effect.

II. The exceptions to the general rule for a ſettlement of the land revenue with the actual proprietors of the ſoil, contained in Section XX, Regulation VIII, 1793, as far as the ſame relate to perſons whom the Governor General in Council might deem diſqualified on account of contumacy or notorious profligacy of character, are hereby revoked and done away; and conſequently the proviſions made in Clauſe IV, Section V, Regulation X, 1793, for the proceſs to be obſerved in eſtabliſhing theſe grounds of diſqualification, together with all other parts of the ſaid regulation having reference thereto, or to the management of the lands of perſons diſqualified on the grounds in queſtion, are to be conſidered no longer in force, as applicable to ſuch perſons or their lands.

Such parts of Section XX, Regulation VIII, 1793, as relate to the diſqualification of proprietors of land on account of contumacy or notorious profligacy, together with the proviſions contained in Clauſe IV, Section V, Regulation X, 1793, conſequent thereon; and all parts of the ſaid regulation having reference thereto reſcinded.

III. This regulation is to have immediate effect, ſo as to prevent any perſons being declared diſqualified under the rules which have been repealed after the date of its promulgation: and alſo to ſtop all proceedings which may have been inſtituted to eſtabliſh the ſtated grounds of diſqualification in any inſtance.

No perſons to be diſqualified under the rules repealed by this regulation after its promulgation, and proceedings inſtituted under the ſaid rules to be ſtopped.

IV. In caſes wherein a proprietor of land may have been declared diſqualified under the rules now reſcinded, and whoſe lands ſhall now be under the charge of the court of wards, the Governor General in Council reſerves to himſelf the power of determining whether the preſent regulation ſhall be applied retroſpectively to ſuch proprietors, or otherwiſe, on due conſideration of the circumſtances of the caſe, and the arrangements which may have been made for the management of the lands, on the ſuppoſition of the proprietors diſqualification having been finally decided. The board of revenue are with as little delay as poſſible, to ſubmit to the Governor General in Council a report of any caſes of this nature

The caſes of perſons previouſly diſqualified reſerved for the conſideration of government.

The board of revenue required to ſubmit a report of all ſuch caſes to government.

ture, with ſuch information as may be neceſſary to enable him to determine whether the preſent regulation ſhould be applied thereto, either immediately, or at a future period.

The ſettlement of lands reſtored to proprietors under this regulation, to be made according to Regulation VIII, 1793.

V. In all caſes wherein a diſqualified proprietor of land, may under this regulation, be reſtored to the management of his lands, the ſettlement is to be made with him according to the general proviſions contained in Regulation VIII, 1793, or any other regulations which have been or may be hereafter enacted.

# A. D. 1796. REGULATION VIII.

A REGULATION *to determine the fees receivable by pleaders in the zillah and city courts in the provinces of Bengal, Behar and Orissa, in suits for the recovery of arrears of rent or revenue, instituted under Regulation* XXXV, 1795.—PASSED *by the Governor General in Council, on the 2d September* 1796; *corresponding with the* 20*th Bhadoon* 1203 *Bengal era; the* 15*th Bhadoon* 1203 *Fussily; the* 20*th Bhadoon* 1203 *Willaity; the* 15*th Bhadoon* 1853 *Sumbut; and the* 28*th Suffer* 1211 *Higeree.*

TO enable proprietors of land, and farmers of land holding their farms immediately of government, to recover more speedily arrears of rent or revenue, which from the largeness of the amount, cannot be immediately realized by a levy of distress on the personal property of the defaulter, such proprietors, or farmers, who may have a demand on any of their dependant talookdars, under farmers, or ryots, or their sureties, for an arrear of rent or revenue, exceeding five hundred sicca rupees, are by Regulation

gulation XXXV, 1795, empowered to proceed for the recovery of the amount by a ſummary proceſs in the court of dewanny adawlut detailed in the above regulation. But although the parties in ſuch ſuits are allowed to appear by an authorized vakeel, the fees to be received by the vakeels employed in the ſuits in queſtion have not been determined; and a doubt has in conſequence ariſen whether the fees fixed by Regulation VII, 1793, for the pleaders employed in regular ſuits in the ſeveral courts of juſtice were meant to be allowed to vakeels employed in the ſummary ſuits inſtituted under Regulation XXXV, 1795, or otherwiſe. To remove this doubt, and on due conſideration of the nature of the ſuits referred to in Regulation XXXV, 1795, the Governor General in Council has paſſed the following rule, to be conſidered in force from the date of its receipt by the ſeveral zillah and city courts in the provinces of Bengal, Behar, and Oriſſa.

Vakeels employed in ſuits referred to in Regulation XXXV, 1795, to receive a fourth of fees preſcribed for regular ſuits by Section IX, Regulation VII, 1793.

II. In all ſuits for the recovery of rents or revenue preferred before the judges of the zillah and city courts under Regulation XXXV, 1795, the parties in which, or either of them, may employ an authorized vakeel of the court; upon the determination of the ſuit by the ſummary proceſs directed in the ſaid regulation, the vakeels employed therein, are to be allowed as fees for pleading the cauſes of their clients a per-centage on the ſum of money which may conſtitute the ſubject of the ſuit, equal to one-fourth of the fees eſtabliſhed for the pleaders in regular ſuits before the courts of dewanny adawlut by Section IX, Regulation VII, 1793, ſubject to the proviſion contained in Section XIII, of the above-mentioned regulation, with reſpect to ſuits withdrawn before the anſwer of the defendant ſhall have been filed in the court, and alſo to all other proviſions and reſtrictions contained in the above-mentioned regulation.

Subject to proviſions and reſtrictions in Regulation VII, 1793.

These fees to be allowed on all ſuits not decided before the receipt of this regulation; but not retroſpectively.

III. The above fees are to be allowed on all ſuits of the deſcription mentioned, which may have been inſtituted under Regulation XXXV, 1795, and ſhall not have been decided before the receipt

receipt of this regulation; but nothing contained in this regulation is to be considered applicable to suits which may have been determined previously to the receipt of it.

# A. D. 1796. REGULATION IX.

A REGULATION *for the more certain ascertainment of the witnesses whom prisoners, committed for trial before the courts of circuit, may be desirous to have examined in their defence; and of the causes of the non-attendance of any witnesses named by prisoners, or prosecutors, to give evidence before the courts of circuit.*—PASSED *by the Governor General in Council, on the 23d September 1796; corresponding with the 10th Assin 1203 Bengal era; the 6th Assin 1204 Fussily; the 10th Assin 1204 Willaity; the 6th Assin 1853 Sumbut; and the 20th Rubbee ul Awul 1211 Higeree.*

BY Section XII, of Regulation IX, 1793, the magistrates, previously to the arrival of the courts of circuit at their respective stations, are directed to ascertain from persons committed or held to bail to take their trial before the courts of circuit, the names and places of abode of any witness or witnesses they may wish to have examined in their defence; and to issue the customary process to cause such witnesses to attend at the time fixed for

for the trial of the persons on whose behalf they may be summoned. In pursuance of the principle which dictated this regulation; and in consideration of the great importance of a strict observance of it, both in justice to the parties brought to trial before the courts of circuit; and for the satisfaction of those courts, and the court of nizamut adawlut, that the fullest opportunity has been given to all prisoners brought before them to adduce evidence in support of their innocence; the Governor General in Council has passed the following further rule, to be considered in force from the date of its receipt by the several zillah and city magistrates.

Prisoner to be questioned at the time of his being committed or held to bail; and his answer recorded on the magistrate's proceedings; with specification of any witnesses named by him.

II. In all cases of a prisoner being committed, or held to bail, for trial before any court of circuit, the magistrate who may order him to be so committed, or held to bail, shall, immediately after passing such order, question the prisoner whether he wishes to have any witness or witnesses examined in his defence before the court of circuit; and, in the event of his answering in the affirmative, shall cause a list of the witnesses named by the prisoner, specifying their designations and places of abode, to be taken down and recorded upon his proceedings; or, in the event of the prisoner's replying in the negative, shall cause his reply to that effect to be recorded on his proceedings for the information of the court of circuit.

In addition to the above rule, Section XII, Regulation IX, 1793, to be still considered in force, and any witnesses named before the arrival of the court of circuit, to be summoned to attend the trial before that court.

III. An observance of the foregoing rule will leave all prisoners committed or held to bail for trial before the courts of circuit without any just ground of complaint, that they have not been allowed to bring witnesses in support of their innocence; but as it may happen that, from want of recollection or other cause, a prisoner at the time of his commitment may omit to name a witness whose evidence he may afterwards be desirous to adduce upon his trial, the magistrates, in addition to the above rule, are still to consider Section XII, Regulation IX, 1793, in full force; and in the event of any person, whether committed or held to bail, for trial before the court of circuit, at any time

before

before the ſeſſion of that court, deſiring the examination of any witneſs or witneſſes upon his trial, although the ſame may not have been named by him at the time of his being committed, or held to bail, they are to be careful to cauſe the attendance of ſuch witneſſes, as well as of thoſe before named, at the time fixed for the trial of the party who may deſire their examination.

IV. The magiſtrates are already required by Section XIV, Regulation IX, 1793, to tranſmit with their proceedings on each trial referred to the court of circuit, liſts of the witneſſes who may have been ſummoned at the requiſition of the proſecutor or priſoner, ſpecifying thoſe who are in attendance and ſuch as are abſent, with the cauſe of the non-attendance of the latter. To furniſh the courts of circuit with the fulleſt and moſt accurate information on the non-attendance of any abſent witneſs, it is now further directed that the above liſts be accompanied with the original returns made to the magiſtrate by the nazir, and perſon deputed on his part to ſerve the ſummons on any witneſs, who may not be in attendance; and that the nazir, and the perſon ſo deputed on his part, be kept in attendance on the court of circuit to anſwer any interrogatories which that court may judge it neceſſary to put to them. By this means the court of circuit will be enabled to aſcertain the real cauſes of the non-attendance of witneſſes, by their own enquiry; and it is expected they will in every inſtance make ſuch enquiry as far as may be neceſſary to ſatisfy themſelves, and the court of nizamut adawlut, in caſes referrible to that court, that all due meaſures have been taken to cauſe the attendance of the whole of the witneſſes both on the part of the proſecutor and the priſoner.

Magiſtrates, in addition to liſts of witneſſes required by Section XIV, Regulation IX, 1793, to furniſh the courts of circuit, with the original returns of the nazir, and perſons deputed to ſummon witneſſes not in attendance.

Nazir, and perſon deputed to ſerve the ſummons, to be alſo in attendance on the court of circuit, to anſwer interrogatories.

The courts of circuit are expected to aſcertain that all due meaſures have been taken to cauſe the attendance of witneſſes.

V. The foregoing rules are to be conſidered applicable to Benares, as well as the other provinces.

The foregoing rules extended to Benares.

# A. D. 1796. REGULATION X.

A REGULATION *for the guidance of the courts of justice in cases of a difference of opinion on the meaning and construction of the regulations.*—PASSED *by the Governor General in Council, on the 7th October* 1796; *corresponding with the* 24*th Assin* 1203 *Bengal era; the* 20*th Assin* 1204 *Fussily; the* 24*th Assin* 1204 *Willaity; the* 20*th Assin* 1853 *Sumbut; and the* 4*th Rubbee us Sanee* 1211 *Higeree.*

THE existing regulations not having precisely defined the duty of the zillah and city judges and magistrates, in cases wherein they may construe the general rules prescribed by government in a different sense from the construction given thereto by the judges of the provincial courts of appeal and courts of circuit; and it being of consequence, to prevent delay in the administration of justice, that a clear rule of conduct should be established to provide for such cases; the Governor General in Council has therefore enacted the following rules, to be considered equally applicable to the Benares courts, as to those of the other provinces,

and

and to be in force from the date of their receipt by the ſeveral courts reſpectively.

Zillah and city judges and magiſtrates may ſtate objections to precepts of the provincial courts, or courts of circuit, if conſidered contrary to or unwarranted by the regulations.

And ſuſpend execution till receipt of a ſecond precept.

Second precept to be carried into immediate execution if required.

II. In all inſtances wherein a precept iſſued by a provincial court of appeal, or a court of circuit, to a zillah or city judge or magiſtrate, ſhall appear to ſuch judge or magiſtrate to be contrary to, or unwarranted by the exiſting regulations, he is authorized to ſtate to the provincial court, or court of circuit, in what reſpects he conſiders their precept to be in deviation from the regulations, and ſuſpend execution till receipt of a ſecond precept in reply to his objections. But if the ſecond precept of the provincial court, or court of circuit, in reply to the objections of the zillah or city judge or magiſtrate, ſhall confirm their firſt precept in whole or in part, and ſhall require the zillah or city judge or magiſtrate to execute the ſame without further reference, he ſhall immediately comply with ſuch requiſition. In caſe however the ſecond precept of the provincial court, or court of circuit, ſhould not ſatisfy the zillah or city judge or magiſtrate, that the regulations have been rightly conſtrued by the provincial court, or court of circuit, he is at liberty at the ſame time that he certifies the execution of the order of the provincial court, or court of circuit, to requeſt that they will tranſmit copies of their precepts to him and his returns thereto, with ſuch other papers as may be neceſſary for the information of the circumſtances of the caſe, to the court of ſudder dewanny adawlut, or the court of nizamut adawlut, according as the caſe in queſtion may relate to the civil or criminal department; and the provincial court or court of circuit ſhall accordingly tranſmit ſuch papers, as requeſted, without any unneceſſary delay. Provided nevertheleſs that nothing in this regulation be underſtood to authorize any zillah or city judge or magiſtrate to queſtion the propriety of any order iſſued by a provincial court, or court of circuit, in caſes clearly left to the diſcretion and judgment of the provincial court, or court of circuit, by the regulations; the reference to them, and eventually to the courts of ſudder dewanny and nizamut adawlut, meant to be authorized by this regulation, being confined to caſes in which the ſenſe of the regulations,

But the zillah or city judge or magiſtrate may for his ſatisfaction requeſt a reference of the caſe to the nizamut or ſudder dewanny adawlut.

Proviſo. Excepting caſes clearly left by the regulations to the diſcretion and judgment of the provincial courts, or courts of circuit.

tions, from a difference of conſtruction or otherwiſe, may appear doubtful and uncertain.

III. In all inſtances wherein a reference to the court of ſudder dewanny adawlut, or the nizamut adawlut, may be made under the preceding rule, the determination of thoſe courts, who are empowered to preſcribe the forms and conduct to be obſerved by the provincial, zillah, and city courts of dewanny adawlut, the courts of circuit, and the zillah and city magiſtrates, in all caſes provided for by the regulations agreeably to their conſtruction thereof, is to be held final and concluſive.

Determination of the nizamut or ſudder dewanny adawluts to be concluſive.

IV. Should any doubt occur to the ſudder dewanny, or the nizamut adawlut, with reſpect to the meaning of any part of the regulations; or ſhould it appear to them, on occaſion of any reference from the provincial, zillah, or city courts, the courts of circuit, or the zillah or city magiſtrates, that the regulations do not ſufficiently provide for the caſe ſubmitted to their deciſion, they are in the former caſe, to report the circumſtances of it to the Governor General in Council that a new regulation may be framed in explanation of ſuch doubt; and in the latter caſe, are to propoſe a new regulation in the manner preſcribed by Regulation XX, 1793.

Nizamut and ſudder dewanny adawluts to report to the Governor General in Council any caſe in which they have doubts on the meaniug of the regulations.

Or, if the caſe be not provided for by the regulations to propoſe a new regulation agreeably to Regulation XX, 1793.

BENGAL SECRETARIAT LIBRARY

# A. D. 1796. REGULATION XI.

A REGULATION *for providing against resistance to the processes of the zillah and city courts and police officers, as well as for compelling the appearance of persons charged with acts of a criminal nature, who may abscond, or otherwise evade the process issued against them.* —PASSED *by the Governor General in Council, on the 28th October 1796; corresponding with the 15th Kautic 1203 Bengal era; the 12th Kautick 1204 Fussily; the 15th Kautic 1204 Willaity; the 12th Kautic 1853 Sumbut; and the 24th Rubbee us Sanee 1211 Higeree.*

THE rules laid down in Regulation IV, 1793, for the punishment of resistance to the processes of the zillah and city civil courts, not having been extended to the criminal courts; nor any rule prescribed for compelling the appearance of persons charged with acts of a criminal nature, who may abscond or otherwise evade the processes issued against them; and experience having shewn the necessity of a provision for these cases, both to

maintain the just authority of the zillah and city magistrates and police officers; and to prevent an evasion of their processes by flight, concealment, or otherwise; the Governor General in Council has therefore enacted the following rules to be considered in force from the period of their promulgation in the several zillahs and cities, in the provinces of Bengal, Behar, Orissa, and Benares.

Zillah and city magistrates how to proceed against persons resisting their processes.

II. *First.* If any person amenable to the authority of the zillah and city magistrates or police officers, shall resist, or cause to be resisted, any warrant, order, or other process of any zillah or city magistrate, or police officer, the magistrate of the zillah or city in which such assistance may have been made, on the same being charged on oath, shall, if practicable, cause the party accused to be apprehended, and brought before him to answer to the charge. If the party shall abscond or conceal himself so that he cannot be apprehended, or if, on any account, he cannot be immediately apprehended, the magistrate is to cause a written proclamation (in the Persian and Bengal languages, if it be in Bengal or Orissa, or in the Persian and Hindostanny languages, if it be in Behar, or Benares,) requiring the party to appear to answer the charge against him within a fixed period, not less than one month, to be publicly read and proclaimed by beat of drum, and to be affixed in some conspicuous part of his cutcherry, as well as on the outer door of the house in which the party may have usually dwelt, or some conspicuous place in the village in which he may have generally resided. If the party charged as above cannot be apprehended, and shall not, within the period fixed by proclamation, appear to answer the charge against him, or if he shall be apprehended or shall appear in pursuance of the proclamation, and after receiving his answer to the charge, and hearing the evidence he may adduce in his defence, it shall be proved to the satisfaction of the magistrate that he is guilty of the charge, the magistrate is to pass judgment against him in the following manner.

Judgment to be passed against persons convicted of such resistance

*Second.*

*Second.* If the offender be a zemindar, talookdar, or other proprietor of land paying revenue directly to government; or the proprietor of altumgah, aymah, or other lands exempt from revenue, ſituated within the zillah or city in which the reſiſtance was made, he ſhall declare ſuch lands to be forfeited to government and by a precept under his official ſeal and ſignature ſhall immediately give notice to the collector of the diſtrict, who, on receipt thereof, ſhall cauſe the lands in queſtion to be attached on the part of government, and ſhall hold them in attachment till the receipt of a further precept from the magiſtrate to relinquiſh them, or of orders from the Governor General in Council, to be communicated to him in the manner hereafter directed.

If a proprietor of land paying revenue to government or of lakheraje land.

*Third.* If the offender be a ſudder farmer holding a farm from government within the zillah or city in which the reſiſtance may have been made, the judgment againſt him ſhall declare his leaſe cancelled; and the magiſtrate by a precept under his official ſeal and ſignature ſhall immediately give notice to the collector of the diſtrict, who, on receipt thereof, ſhall proceed as above required with reſpect to lands declared forfeited to government.

If a ſudder farmer holding a farm from government.

*Fourth.* If the offender be not a proprietor of land or ſudder farmer paying revenue to government as deſcribed in the two foregoing clauſes, the judgment againſt him ſhall declare him liable to the payment of ſuch fine to government as may appear proper upon a conſideration of his rank and circumſtances in life and the offence of which he may be convicted; and the magiſtrate ſhall immediately proceed to the attachment of any property appertaining to the offender for the recovery of the ſame, in the manner authorized by the regulations for the recovery of ſums of money decreed by the civil courts of juſtice. In caſes wherein the offender may have been apprehended, and may not be poſſeſſed of property adequate to the diſcharge of the fine adjudged againſt him, the magiſtrate with the concurrence of the nizamut adawlut, may commute ſuch fine to impriſonment or corporal puniſhment.

If the offender be not of the above deſcriptions.

*Fifth.*

Judgments of magistrates, under this regulation, to be reported to nizamut adawlut, without whose orders such judgments not to be considered final and conclusive.

*Fifth.* Provided always, that the whole of the judgments passed by the zillah and city magistrates under this regulation be immediately reported, with a complete copy and translation of their proceedings, to the court of nizamut adawlut, and the orders of that court be received under the following section, before the judgment passed by a zillah or city magistrate under this regulation be considered final and conclusive.

Nizamut adawlut how to proceed in cases referred to them under this regulation.

III. The nizamut adawlut on receipt of the proceedings referred to in the above section, are to pass such order thereupon as they may think proper, on due consideration of the evidence and all the circumstances of the case; and in all instances wherein the forfeiture of the offender's lands or lease may appear to them too severe a punishment for the offence, they are authorized to commute the same for such fine to government as they may judge adequate, and order the attachment of the lands to be taken off on the payment thereof. The sentence of the nizamut adawlut is to be final in all cases of fine, imprisonment, and corporal punishment; but in case they shall confirm the judgment of the magistrate for a forfeiture of the offender's land or lease, they are, previous to ordering such sentence to be carried into execution, to transmit their proceedings, with those of the magistrate, to the Governor General in Council, who will finally determine whether the sentence of forfeiture shall be put in force, or commuted to a fine, or otherwise; and who, whenever he may order the land or lease of the offender to be forfeited to government, will, at the same time, cause the necessary instructions for the future disposal of the land to be conveyed to the collector through the board of revenue. In case the magistrate's judgment of forfeiture be set aside, either by the nizamut adawlut or Governor General in Council, he is immediately on being informed thereof, and on receipt of the fine (if a fine be ordered), to issue a precept to the collector, requiring him to remove the attachment, and to cause a full and fair account to be rendered of all receipts and disbursements during the period of attachment.

IV. *First.* If any person charged with an offence of a criminal nature, shall abscond, or conceal himself so that upon a process issued against him by a zillah or city magistrate or police officer he cannot be found, the magistrate is to cause a written proclamation (in the Persian and Bengal languages, if it be in Bengal or Orissa, or in the Persian and Hindostanny languages, if it be in Behar or Benares,) requiring the absent party to appear to answer the charge against him within a fixed period, not less than one month, to be publicly read and proclaimed by beat of drum; and shall cause such proclamation to be affixed in some conspicuous part of his cutcherry; as well as on the outer door of the house in which the party may have usually dwelt; or some conspicuous place in the village in which he may have generally resided. In case the party shall not appear and deliver himself up within the period fixed by such proclamation, the magistrate, on receiving the Nazir's return to this effect, is to order the attachment of any land or other real property held by the absentee within his jurisdiction, in the following manner.

Zillah and city magistrates how to proceed against persons who may evade their process by flight or concealment.

Land or other real property to be attached upon non-attendance after proclamation.

*Second.* If the absentee be a proprietor of land or sudder farmer paying revenue immediately to government, he is to issue a precept, under his official seal and signature, to the collector of the district, requiring him to hold the land or farm of the absentee in attachment, till the receipt of further notice. And the collector is accordingly to obey such requisition, and to take such measures as may be necessary for the due care and management of the lands whilst under his charge, subject to the instructions of the board of revenue, to whom he is to make an immediate report of any instances of land being delivered over to him under this regulation; he is also to relinquish such lands, on being advised by the magistrate that the attachment has been taken off, on the attendance of the absentee; and is to cause a full and fair account to be rendered of all receipts and disbursements during the period of attachment.

Attachment, in what manner to be made if the absentee be a proprietor or farmer of land paying revenue to government.

*Third.*

Or, if the absentee be not of the above descriptions.

*Third.* If the absentee be not a proprietor or farmer of land paying revenue to government, but, as a dependant talookdar, under farmer, or ryot, or in any other capacity whatever, be the tenant of landed property capable of attachment, the magistrate is to issue a precept to the collector of the district, directing him to attach the same, and adopt the necessary measures for the due care and management of it whilst under his charge; paying from the product any rent which may become due to the zemindar or other person entitled thereto; and deducting all necessary expences in the account to be rendered to the absentee, whenever he may attend and the attachment of his property be removed.

Attachment to be taken off on attendance of the absentee, and an account rendered of receipts and disbursements.

V. In all instances wherein an attachment of property may be ordered under the foregoing rule, the magistrate, immediately on the attendance of the party for whose appearance it was ordered, is to direct, by a written precept, that the attachment be removed, and that a full and fair account be rendered of all receipts and disbursements during the period of attachment.

Report to be made to the Governor General in Council, in case the absentee shall not attend within six months after the attachment of his lands.

VI. Should the absentee neglect to attend for a period of six months after the lands have been ordered under attachment, the magistrate is to report the case to the Governor General in Council, who will pass such order upon it, and upon the future disposal of the lands, as he may judge proper.

# A. D. 1796. REGULATION XII.

A REGULATION *for encreasing the deposit on the purchase of lands at public sale, from five to fifteen per cent in the provinces of Bengal, Bahar, Orissa, and Benares.*—PASSED *by the Governor General in Council on the* 16*th December,* 1796; *corresponding with the* 4*th Aughun* 1203 *Bengal era; the* 2*d Aughun* 1204 *Fussily; the* 4*th Aughun* 1204 *Willaity; the* 2*d Aughun* 1853 *Sumbut; and the* 15*th Jummaud ul Awul* 1211 *Higeree.*

TO ensure the due discharge of the purchase money of lands disposed of at public sales, it is directed by Section XXVII, Regulation XIV, and Section XIII, Regulation XLV, 1793, and Section XXXIII, Regulation VI, and Section XIII, Regulation XX, 1795, that a deposit of five per cent. on the amount of the purchase money shall be made at the time of the sale by every purchaser of land that may be disposed of at public sale; and it is declared that the deposit shall be forfeited, and that the lands shall be liable to a resale, in the event of the purchase money not being discharged within the stipulated period. The forfeiture however

of

of this depoſit has been found inſufficient to prevent fictitious purchaſes, many inſtances having occurred in which individuals with a view to protract the ſale of their property, or for other purpoſes, have employed perſons, to purchaſe the lands in their own or in fictitious names, and afterwards cauſed the perſons ſo employed to abſcond before the arrival of the period for the payment of the purchaſe-money, leaving the depoſit made on the day of ſale to be forfeited, and the party on whoſe account the ſale was ordered, to have recourſe to a reſale. Theſe fictitious purchaſes having occaſioned conſiderable loſs to government, or the party on whoſe account the ſale has been ordered to be made, by protracting the realizing of the demands for which the property has been directed to be diſpoſed of, and being attended with other evils and inconveniencies; and as it is conceived that this and other abuſes practiſed at ſales, may be prevented by requiring a larger proportion of the purchaſe money to be depoſited at the time of ſale, without at the ſame time depreciating the property; the following rules have been enacted.

II. Inſtead of the depoſit of five per cent on the amount of the purchaſe money required to be made by every purchaſer of land which may be diſpoſed of at public ſale, by Section XXVII, Regulation XIV, and Section XIII, Regulation XLV, 1793, and Section XXXIII, Regulation VI, and Section XIII, Regulation XX, 1795, a depoſit of fifteen per cent on ſuch amount ſhall be made on all public ſales of land which may be ordered to take place after this date, and the depoſit ſo made ſhall be ſubject to forfeiture under the rules contained in the ſaid regulations, in caſe of the purchaſe money not being diſcharged by the ſtipulated period.

# A. D. 1796. REGULATION XIII.

A REGULATION *for repealing ſuch parts of Regulations* V, *and* VI, 1793, *as authorize the execution of decrees, paſſed by the zillah and city courts in the provinces of Bengal, Behar, Oriſſa, and Benares, although appealed from to the provincial courts, and of decrees, paſſed by the provincial courts, appealed from to the ſudder dewanny adawlut.*—PASSED *by the Governor General in Council, on the* 16*th December* 1796; *correſponding with the* 4*th Pooſe* 1203 *Bengal era; the* 2*d Pooſe* 1204 *Fuſſily; the* 4*th Pooſe* 1204 *Willaity; the* 2*d Pooſe* 1853 *Sumbut; and the* 15*th Jumaud us Sanee* 1211 *Higeree.*

THE clauſe in Section XII, of Regulation V, 1793, which authorizes the zillah and city courts, in caſes of appeal to the provincial courts, to carry into execution the decrees paſſed by them, notwithſtanding the appeal, unleſs the decree be for land or real property; and a ſimilar clauſe in Section X, of Regulation VI, 1793, authorizing the provincial courts to execute their decrees, although appealed from to the ſudder dewanny adawlut, under the ſame reſtriction with reſpect to land or other real property, having been found objectionable, in as much as it often occurs

curs that a decree cannot be enforced without a ſale of property, or attachment of the perſon, both which are liable to objection whilſt there is a poſſibility of the judgment paſſed in the firſt inſtance being reverſed or qualified on the appeal; the following rules have been enacted, to be conſidered in force from the date of the receipt of this regulation by the ſeveral courts, in the provinces of Bengal, Behar, Oriſſa, and Benares.

Execution of decrees appealed from, whether paſſed in a zillah, city, or provincial court, to be ſuſpended during the appeal under the preſcribed ſecurity.

II. In all authorized caſes of appeal from the decrees of the zillah or city courts to the provincial courts; or from the decrees of the provincial courts to the ſudder dewanny adawlut, the court in which the decree appealed from may have been paſſed, ſhall ſuſpend the execution of it during the appeal, provided the party, againſt whom the decree may have been paſſed, ſhall, at the time of preferring his appeal, or within ſuch reaſonable period afterwards as may be fixed for the purpoſe, deliver the ſecurity required by the exiſting regulations, viz. if the decree be for a zemindarry, talook, or other land, or for a houſe or other real property, good and ſufficient ſecurity in a ſum equal to one year's produce thereof; and in all other caſes, good and ſufficient ſecurity in an amount equal to the ſum of money or value of the thing decreed, for the performance of the decree, which may be paſſed upon the appeal.

Intereſt to be allowed on ſums adjudged by the decree appealed from, if confirmed, and litigious appeals to be puniſhed by fine.

III. To prevent an abuſe of the above rule, and the encouragement of litigious appeals, the provincial courts of appeal in all caſes wherein they may confirm the decree of a zillah or city court, and the ſudder dewanny adawlut, in all caſes wherein it may confirm the decree of a provincial court, are to adjudge intereſt at the rate of one per cent per menſem on all ſums, receivable by the reſpondent under the decree paſſed in his favor, from the date of ſuch decree, and are authorized to puniſh appeals which may appear to them litigious, by a fine to government, proportionate to the condition of the party, and the circumſtances of the caſe.

# A. D. 1797. REGULATION I.

A REGULATION *for the collection of a new duty of one per cent, to be levied on all imports into, and exports from, the port of Calcutta, excepting money and bullion; and for prohibiting the importation of opium from the territories of the Nabob Vizier, or from any foreign country.*—PASSED *by the Governor General in Council on the 2d January 1797; corresponding with the 21st Poose 1203 Bengal era; the 19th Poose 1204 Fussily; the 21st Poose 1,204 Willaity; the 19th Poose 1853 Sumbut; and the 2d Rejeb 1211 Higeree.*

WHEREAS the commerce of the port of Calcutta has suffered in the last, and in the present year, by the enemy's privateers cruising in Ballasore roads, and off the entrance of the river, the Governor General in Council has resolved to equip an armed force for the protection thereof: and in order to assist in defraying the expence of the armament, he has further resolved, that a new duty of one per cent be levied on all imports, and exports, money and bullion excepted, which duty, it is to be presumed,

ſumed, will be more than compenſated to the merchants, by the more favorable rates at which they will probably effect inſurances, on goods liable to the riſks now meant to be prevented. It has been deemed eſſential alſo for the re-eſtabliſhment of the revenue heretofore derived from the opium, that the importation of this article from the territories of the Nabob Vizier, or from any foreign country, ſhould be immediately and altogether prohibited. The following rules have in conſequence been enacted, to take place from the date of this regulation.

Duty of one cent done away Ch. first Sect. IV. of XI. 1800.

New duty of one per cent payable on goods now chargeable with duty, and alſo

II. All goods paying the preſent duties of two and a half per cent, ſhall pay in future, an addition of one per cent, making in all three and a half per cent.

on all goods now exempted from duty, money and bullion excepted.

III. All goods at preſent exempted from duties, are to pay a duty of one per cent, whether on importation, or exportation. This rule is not to extend to money or bullion.

Goods on which drawbacks are allowed, to be charged with the additional duty both on their import and export.

IV. On goods imported for re-exportation, and on which a drawback is allowed on re-exportation, there ſhall continue to be allowed a drawback as at preſent, of two and a half per cent; but the additional duty of one per cent paid on importation, ſhall not be repaid, and the goods ſhall alſo pay the one per cent duty on exportation.

New duty to be levied and brought to account under a ſeparate head from other duties.

V. The collector of government cuſtoms at Calcutta is directed to make the charge for the one per cent duty to each individual, ſettling the ſame clear and diſtinct from the preſent duties; and he is to carry the ſums collected on account of it, to a ſeparate head, in order that the amount may be at any time aſcertainable.

No fees allowed on the collection of the new duty.

VI. The Collector is not to extend the fees of his office to the ſums realized from the one per cent duty; but they are to remain in all reſpects the ſame as they now are.

VII.

VII. The importation of opium, the produce or manufacture of the territories of the Nabob Vizier, or of any foreign country, into the provinces of Bengal, Behar, Orissa and Benares, or either of them, is hereby prohibited from and after the date of this regulation.

Importation of opium of foreign manufacture prohibited.

VIII. Any person or persons convicted of a breach of this prohibition, shall according to the nature of the case, be liable to the same penalties as are prescribed for persons convicted of having had any illicit concern in opium, in Sections IV, and V, Regulation XXXII, 1793, if the offence shall have been committed in the provinces of Bengal, Behar, or Orissa; or, in Sections III, and IV, Regulation XXXII, 1795, if the offence shall have been committed in the province of Benares.

Penalties.

IX. The process to be observed in confiscating opium imported in opposition to the abovementioned prohibition, in whichsoever of the four provinces it may be attached, shall be the same as that prescribed in Section VI, Regulation XXXII, 1793.

Process to be observed in the confiscation.

# A. D. 1797. REGULATION II.

A REGULATION *for defining more specifically the responsibility of the landholders, and farmers of land, in the province of Benares, under the charge of the Police vested in them, conformably to their engagements, by Regulation* XVII, 1795.—PASSED *by the Governor General in Council, on the 27th January,* 1797; *corresponding with the 17th Maug* 1203 *Bengal era; the 15th Maug* 1204 *Fussily; the 17th Maug* 1204 *Willaity; the 15th Maug* 1853 *Sumbut; the 27th Rajub* 1211 *Higeree.*

BY Section II, of Regulation XVII, 1795, the police of the province of Benares, subject to the control of the magistrates, has been placed under the joint charge of the tehseeldars, landholders, and farmers of land, who, conformably to their engagements, are declared bound to, and responsible for the preservation of the peace; and by Section III, of the above Regulation, tehseeldars, landholders, and farmers of land, are declared responsible for robberies or thefts committed in their respective limits,

estates,

estates, or farms; the tehseeldars in the first instance, and the landholders and farmers to the tehseeldars in the manner specified in Sections XIV and XV, of Regulation II, 1795. The tehseeldars, by Sections VI and XX, of Regulation XVII, 1795, are further made liable to dismission from their offices for misconduct, and to prosecution, either criminally before the court of circuit, or for damages in the dewanny adawlut, for any act repugnant to the rules prescribed for their guidance. But with respect to landholders and farmers, (except in cases of theft and robbery,) it has not been sufficiently specified how far they are responsible; or in what manner they are to be proceeded against in cases of want of care or vigilance on their parts, to preserve the peace, or apprehend the disturbers of it, within their respective estates or farms. To remove all doubt on this head therefore, the following rules are enacted; to be considered applicable to the province of Benares only, and to be in force from the period of their promulgation in that province.

What persons the landholders and farmers of land in charge of the police are to apprehend, and how far they are bound to preserve the peace within their respective estates and farms.

II. The landholders and farmers of land, who by Regulation XVII, 1795, are jointly with the tehseeldars, entrusted with the police of their respective estates and farms, are required, with the assistance of their pykes, chokeedars, pausbauns, and other descriptions of village watchmen, to give at all times their utmost care and vigilance to prevent affrays, assaults, and all other acts of violence and breaches of the peace, within their respective estates and farms; as well as to apprehend and deliver over to the tehseeldars, any persons who may be found in the act of committing a breach of the peace, or whom the village watchmen are required to apprehend by Section XIV, of Regulation XVII, 1795; or whom the tehseeldars may require their aid to apprehend in execution of the duties vested in them.

Penalty for wilful neglect in the instances referred to in this regulation, and how land-

III. *First.* Any landholder or farmer of land, who may be convicted of wilful neglect in the instances above referred to, and particularly of neglect to afford his ready and utmost assistance on the

the requiſition of a tehſeeldar, in apprehending perſons within his eſtate or farm, who may have committed, or be charged with having committed a breach of the peace, is declared liable to the forfeiture of his eſtate or farm, or to ſuch fine to government as may be judged adequate to the circumſtances of the caſe; and is to be proceeded againſt in the following manner.

Holders and farmers accuſed of ſuch, are to be proceeded againſt.

*Second.* The charge of wilful neglect in the inſtances aforeſaid, is to be received and examined into by the magiſtrate, in the mode preſcribed by the regulations, with reſpect to other charges of a criminal nature; and after hearing the defence of the party accuſed, with the evidence adduced againſt him in his behalf; if the magiſtrate ſhall be of opinion that the charge is not eſtabliſhed, he is to paſs judgment of acquittal; with damages to the party, if the complaint ſhall appear to have been groundleſs and litigious. If the magiſtrate ſhall conſider the charge eſtabliſhed, he is to record his opinion to this effect; with the puniſhment he may judge adequate to the caſe, whether a fine (the amount of which to be ſpecified,) or a forfeiture of the offender's eſtate or farm (the annual jumma of which is to be in that caſe ſpecified,) and to tranſmit without delay a copy and tranſlation of his proceedings to the court of nizamut adawlut.

Proceedings to be held by the magiſtrate;

*Third.* The nizamut adawlut, on receipt of the magiſtrate's proceedings, are to paſs ſuch order thereupon as they may think proper, on due conſideration of the evidence, and all the circumſtances of the caſe, and in all inſtances wherein they may order a fine to government, their judgment is to be conſidered final, and immediately carried into execution by the magiſtrate, in the ſame manner as other fines are levied under the exiſting regulations. But in caſe the nizamut adawlut ſhall adjudge a forfeiture of the offender's land or leaſe, they are, previous to ordering ſuch judgment to be carried into execution, to tranſmit their proceedings, with thoſe of the magiſtrate, to the Governor General in Council, who will finally determine whether the judgment of forfeiture ſhall

and by the nizamut adawlut.

ſhall be put in force; or commuted to a fine, or otherwiſe; and who, whenever he may order the land or leaſe of the offender to be forfeited to government, will at the ſame time cauſe the neceſſary inſtructions for the future diſpoſal of the land, to be conveyed to the collector, through the board of revenue.

# A. D. 1797. REGULATION III.

A REGULATION *for conſtituting one court of circuit to expedite the jail deliveries of the zillahs and cities within the ſeveral diviſions of the courts of circuits for Calcutta, Dacca, Patna, Moorſhedabad, and Benares, inſtead of two courts as provided by Regulation* VII, 1794, *and Regulation* XVI, 1795.—PASSED *by the Governor General in Council, on the* 27*th January* 1797; *correſponding with the* 17*th Maug* 1203 *Bengal era; the* 15*th Maug* 1204 *Fuſſily; the* 17*th Maug* 1204 *Willaity; the* 15*th Maug* 1853 *Sumbut; the* 27*th Rajub* 1211 *Higeree.*

TO expedite the jail deliveries in the ſeveral zillahs, it is provided by Section III, Regulation VII, 1794, that two courts ſhall be formed in the ſeveral diviſions, each court to be ſuperintended by one of the judges of circuit; and by Section V, of the above regulation, the ſtations to which ſuch courts are to proceed; are pointed out by Sections IX and XI, of the ſame regulation; it is provided, that when the courts in the diviſions of

Patna.

Patna, Dacca, Moorſhedabad, and Calcutta, ſhall have completed the jail deliveries, they ſhall repair to their ſudder ſtations, and that the judges who firſt arrive, ſhall proceed immediately on their arrival, to try all perſons committed or held to bail to take their trials in the cities of Patna, Dacca, Moorſhedabad, and the zillahs of Dacca Jelalpore, Moorſhedabad, and the twenty-four Pergunnahs. By Section IV, one of the judges of the ſeveral diviſions is ordered to continue at the ſudder ſtation in rotation for certain purpoſes ſpecified in Section XII, and by Sections XIV, XV, and XVI, of Regulation XVI, 1795, the foregoing proviſions are extended to the province and city of Benares. As the duties of the circuits have in general been found to occupy a great deal of time, and in ſome diviſions the judges have ſcarcely returned from the firſt circuit of the year, when they have been again compelled to proceed on the ſecond circuit, it has rarely happened that two judges have been able to remain long enough at the ſudder ſtation to perform their functions as judges of the provincial courts of appeal, the principal of which, according to Sections III and IV, of Regulation XLVII, 1793, cannot be executed by a leſs number than two judges; and in conſequence the duties of thoſe courts in ſeveral of the diviſions have fallen greatly in arrear, to the inconvenience and diſtreſs of the parties concerned in the ſuits depending. To remedy theſe defects, and it being likewiſe conſidered expedient that the ſenior judge of each diviſion ſhould always continue at the ſudder ſtation, that he may be able the more effectually to ſuperintend the buſineſs of both courts; the following rules have been enacted, to be in force from the firſt of March next enſuing.

The circuits to be performed in the ſeveral diviſions by one court, inſtead of two, as heretofore, which is to proceed to all the ſtations ſpecified in Section V, Regulation VII, 1794, and Section XVI, Regulation XVI, 1795.

II. Inſtead of two courts being formed from the courts of circuit for the purpoſe of expediting the half yearly jail deliveries in the zillahs within the ſeveral diviſions of Patna, Dacca, Moorſhedadad, Calcutta, and Benares, according to Section III, Regulation VII, 1794, and Section XVI, Regulation XVI, 1795, one court ſhall be formed, to be ſuperintended by the ſecond and

third

third judges alternately, attended by the cauzy and mufty alternately, which ſhall proceed to all the ſtations of its diviſion ſpecified in Section V, of Regulation VII, 1794, and Section XVI, of Regulation XVI, 1795.

III. *First.* The two circuits, inſtead of commencing the firſt, on the 1ſt April, and the ſecond, on the 1ſt November, as preſcribed by Section XL, Regulation IX, 1793, ſhall in future commence in the ſeveral diviſions (the Dacca diviſion excepted,) the firſt, on the 1ſt March, and the ſecond, on the 1ſt October.

In all the diviſions, that for Dacca excepted, the two circuits to commence the firſt on the 1ſt March, and the ſecond on the 1ſt October.

+Rescinded by Sect II. Regn. II. 1804.

*Second.* In conſequence of the peculiar local circumſtances of the Dacca diviſion, the 1ſt January and 1ſt July, having been found the moſt convenient periods for the commencement of the circuits, the two circuits in the ſaid diviſion, ſhall henceforward commence on the aforeſaid dates, that is to ſay, the firſt circuit, on the 1ſt January, and the ſecond, on the 1ſt July.

In the Dacca diviſion, the firſt on the 1ſt January, and the ſecond on the 1ſt July.

IV. When the courts formed in the ſeveral diviſions, as preſcribed in the preceding ſection, ſhall have completed the jail deliveries, they are to repair to their ſudder ſtations, and to proceed immediately on their arrival to try all perſons committed or held to bail to take their trials in the ſeveral cities and zillahs, hereafter ſpecified.

The courts after completing the circuit, to proceed to the jail deliveries of the ſeveral zillahs, and cities, herein ſpecified.

DIVISION of PATNA.

The city of Patna.

DIVISION of DACCA.

The city of Dacca and zillah of Dacca Jelalpore.

DIVISION of MOORSHEDABAD.

The city and zillah of Moorſhedabad.

DIVISION of CALCUTTA.

The zillah of the twenty-four Pergunnahs.

DIVISION of BENARES.

The city of Benares.

The ſenior judge of each diviſion, always to remain at the ſudder ſtation to form a court of appeals with the other judge who may alſo remain on the ſpot.

V. The ſenior judge of each diviſion, ſhall always remain at the ſudder ſtation to ſuperintend the buſineſs of the courts of circuit and appeal, and to form in concert with the other judge, whoſe turn it may be to remain on the ſpot, a court for the performance of the duties of the court of appeal, ſo that the deciſion of appeals may proceed throughout the year, with as little interruption as poſſible.

Proviſions made for caſes of death and other caſualties.

VI. In caſe of the death of the judge, whoſe turn it may be to proceed on the circuit, or of his inability to perform the circuit from ſickneſs, or any other unavoidable impediment, and in like manner, in caſe of the death of the ſenior, or other judge, who may remain at the ſudder ſtation, or the inability of both, or either of them, to perform their functions as judges of the court of appeal, the earlieſt notice of the circumſtances is to be communicated to the Governor General in Council, who will make ſuch proviſion for the caſe as he ſhall judge moſt adviſable.

Proviſions for caſes of difference of opinion between the ſenior judge, and the other judge, who may remain at the ſudder ſtation.

VII. In the event of a difference of opinion between the ſenior judge, and the other judge, who may remain at the ſudder ſtation, on caſes in which the deciſions of the provincial court are final, according to Regulation V, 1793, the ſenior judge ſhall have the caſting voice, and the decree ſhall be made in conformity to his ſentiments, provided they ſhould be for affirming the decree of the zillah court. But in caſe the ſenior judge ſhould be of opinion, in oppoſition to the other judge, that the decree of the zillah court ſhould be reverſed, or altered, the ſuits on which ſuch difference of opinion ſhall exiſt, ſhall lay over until the return of the abſent judge from the circuit, when they ſhall be decided by the majority of voices.

With the foregoing alterations and modifications, Regulation VII, 1794, to be conſidered in force.

VIII. With the alterations and modifications contained in this regulation, the ſeveral proviſions in Regulations VII, 1794, and XVI, 1795, are ſtill to be conſidered in force.

# A. D. 1797. REGULATION IV.

A REGULATION *for making ſundry alterations in, and additions to, Regulation* IX, 1793.—PASSED *by the Vice Preſident in Council on the* 13*th March* 1797, *correſponding with the* 3*d Chyte* 1203 *Bengal era; the* 1*ſt Chyte* 1204 *Fuſſily; the* 3*d Chyte* 1204 *Willaity; the* 1*ſt Chyte* 1854 *Sumbut; and the* 13*th Ramzaan* 1211 *Higeree.*

A REFERENCE to the heirs of the ſlain in caſes of conviction of murder, is preſcribed in Section LII, Regulation IX, 1793; proviſions for the refuſal of the heirs to proſecute, for their non-appearance, and for their minority, are made in Section LV, Regulation IX, 1793, and Section LXXVI, requires the nizamut adawlut to ſentence perſons convicted of murder, to ſuffer death, although the heirs of the ſlain ſhould pardon, or require the price of blood. The evident object of the above proviſions in Regulation IX, 1793, was to do away all operation of the will of the heirs in caſes of murder; but ſome particular caſes appertaining to the Mahomedan law not having been expreſſly mentioned, a doubt has ariſen on the propriety of applying the regu-

lation

lation in queſtion to ſuch caſes. Moreover, ſince the date of the above regulation, ſundry circular orders have been iſſued to the courts of circuit and zillah and city magiſtrates, which have not yet been printed and publiſhed in the form directed by Regulation XLI, 1793. The following rules are therefore enacted, to be conſidered in force in the provinces of Bengal, Behar, Oriſſa, and Benares, from the date of their promulgation therein reſpectively.

Sections LII, LV, & LXXVI, of Regulation IX, 1793, reſcinded.

II. Sections LII, LV, and LXXVI, Regulation IX, 1793, are hereby reſcinded; and the following mode of proceeding is to be hereafter obſerved by the courts of circuit, and nizamut adawlut, in the caſes therein referred to.

In trials for murder, the law officer to be required to declare whether the priſoner is convicted of the charge.

III. In trials for murder before the courts of circuit, after the proceedings ſhall have been concluded in the manner preſcribed by Section XLVII, Regulation IX, 1793, the law officer of the court, who may be preſent during the trial, ſhall be required by the judge to declare whether the priſoner is convicted of the charge againſt him; and ſhall ſubſcribe his anſwer on the record of the court's proceedings. If the law officer ſhall declare the priſoner to be not guilty, the judge ſhall paſs an immediate ſentence of acquittal, and order him to be diſcharged, unleſs he ſhall ſee cauſe to diſapprove ſuch verdict, in which caſe he is to refer the proceedings on the trial for the ſentence of the nizamut adawlut. If the anſwer of the law officer ſhall declare the priſoner to be convicted of wilful murder (kutl-amd); the judge, without making any reference to the heir or heirs of the ſlain, ſhall require the law officer to declare the puniſhment to which the priſoner convicted would be liable according to the Mahomedan law, ſuppoſing all the heirs of the ſlain entitled to proſecute the priſoner for kiſſaas, to have attended and proſecuted him, at an age competent to demand kiſſaas, and to have demanded kiſſaas. The futwah of the law officer upon this reference, ſhall be alſo ſubſcribed on the record of the court's proceedings; and whether the futwah declare the priſoner liable to ſuffer death, as muſt be the caſe in moſt inſtances of conviction

The priſoner to be acquitted and diſcharged, if declared by the law officer to be not guilty, and the judge approve.

In what manner the judge is to proceed, if the priſoner ſhall be declared convicted of wilful murder.

Futwah to be ſubſcribed on the proceedings.

Proceedings to be referred for

viction of wilful murder under the supposed demand of kissaas by the heirs of the slain; or, whether it declare the prisoner not liable to capital punishment, from the heirs of the slain not being legally entitled to demand kissaas, or the failure of retaliation from the parties standing in the relation of parent and child, or master and slave, or otherwise; the judge is in either case, to refer the proceedings for the sentence of the nizamut adawlut conformably to Section XLVII, Regulation IX, 1793. Should the answer of the law officer to the first reference acquit the prisoner of wilful murder; but convict him of homicide, of any one of the four denominations distinguished in the Mahomedan law, (viz. shibeh-amd; kutl-khota; kutl-kayeem-mokam-ba-khota; and kutl-ba-subbub,) the law officer is to declare the prescribed penalty for the same according to the Mahomedan law; and if his futwah should declare the deyut or price of blood to be the whole, or part, of the legal punishment, the court of circuit is to commute the fine to imprisonment for such period as it may consider adequate to the offence; and its sentences in such instances, as in all others according to the existing regulations, are to be carried into execution without reference to the nizamut adawlut, if for temporary imprisonment; or referred to that court, if for imprisonment for life; subject to the general provision contained in Section LIII, Regulation IX, 1793, for referring to the nizamut adawlut all trials whereon the courts of circuit may disapprove of the futwahs of their law officers.

the sentence of the nizamut adawlut, whether the futwah declare the prisoner liable to suffer death, or not subject to capital punishment.

Should the Futwah declare the prisoner convicted of homicide; Law officer to declare the prescribed penalty.

If deyut be declared the legal punishment, the fine to be commuted to imprisonment.

Sentence to be carried into execution, if for temporary imprisonment.

To be referred to the nizamut adawlut, if for imprisonment for life.

General provisions in Section LIII, Regulation IX, 1793, to continue in force.

IV. In all cases referred under the foregoing section to the nizamut adawlut, the law officers of that court, provided they shall be of opinion that the prisoner is duly convicted of murder, shall write their futwah upon the case referred to the law officer of the court of circuit, assuming always that all the heirs of the slain entitled to prosecute for kissaas attended, and prosecuted at an age which rendered them competent to demand kissaas, and that they demanded kissaas. But if they shall be of opinion that the prisoner is not duly convicted of wilful murder, they are

In what manner the law officers of the nizamut adawlut are to deliver their futwahs.

In what manner they are to deliver their futwah, should they be of

opinion that the prisoner is not convicted of wilful murder.

to state their reasons for such opinion, and whether they consider the prisoner altogether innocent, or convicted of homicide under any of the four denominations distinguished by the Mahomedan law, adding in the latter case, the legal penalty to which the prisoner is liable: and the court of nizamut adawlut, after considering their futwah so given, with the whole of the proceedings on the case, are either to require further evidence if they see occasion; or, to pass such final sentence as may appear consonant to justice and conformable to the Mahomedan law; with the exceptions and modifications which have been, or may be, authorized by the regulations, and subject to the several provisions therein contained. If in any case not provided for by the regulations, the Mahomedan law appear to the court repugnant to justice, they are notwithstanding to adhere thereto, if in favor of the prisoner, in the case before them, or, if against the prisoner, to recommend a pardon or mitigation of the punishment to the Governor General in Council, and at the same time to propose a new regulation to provide against a recurrence of the case, in the form prescribed by Regulation XX, 1793.

Nizamut adawlut either to require further evidence, or to pass final sentence.

In cases not provided for, the court to adhere to the Mahomedan law, altho' repugnant to justice, if in favor of the prisoner.

If against him, pardon or mitigation of punishment to be recommended to the Governor General in Council.

New regulation to be proposed to provide against the recurrence of the case.

Proclamation respecting charges of sorcery enacted into a regulation.

V. In consequence of two men of the sutár cast, having been convicted of the murder of five women, said to have practised sorcery, a proclamation to the following effect was published in February 1792, and September 1794, and is now enacted into a regulation, conformably to Regulation XLI, 1793.

Sutárs or others convicted of putting to death any person as a sorcerer to be held guilty of murder, and punished accordingly.

VI. If any person or persons of the sutár cast, or of any other cast or persuasion within the Company's provinces, or the province of Benares, shall hereafter put any person to death on the ground of his or her being versed in and practising sorcery, or on any other ground, such person or persons, on being convicted of the crime, shall be held guilty of murder, and be invariably punished accordingly; and if any persons shall either actually form themselves into an assembly for the purpose of trying any man or woman on a charge of witchcraft, or on any other charge, or shall

Persons holding an assembly for the trial of witchcraft, to be considered accomplices.

cauſe ſuch aſſemblies to be held, and any perſon or perſons ſhall in conſequence be put to death, they ſhall be conſidered as accomplices in the murder, and be dealt with accordingly.

VII. *Firſt.* In the examination of parties and witneſſes before the courts of circuit, and alſo before the zillah and city magiſtrates, the following rules, in addition to thoſe already eſtabliſhed, are to be ſtrictly attended to.

Rules for the examination of parties and witneſſes.

*Second.* All examinations of parties and witneſſes are to be taken down in the language and character in which the perſon examined, may deſire to have the ſame recorded, and ſuch perſon, whether party or witneſs, is to be allowed to read the ſame when finiſhed; or, if unable to read, it is to be read to him; after which, if he admit the record to be correct, he is to affix his name or mark to it; and the judge, magiſtrate, or other officer, before whom ſuch examination may have been taken, is to certify the ſame under his official ſignature on the original record; as well as on a Perſian tranſlation thereof, to be annexed to the original examination, (in caſe the ſame may have been taken down in any other language than the Perſian;) that the proceedings may be complete for the peruſal of the law officers of the court of circuit, as well as thoſe of the nizamut adawlut, in the event of the trials being referred to that court.

Examination to be taken down in the language preferred by the party.

Party to read it or have it read, and if approved to atteſt it.

Judge to certify it and to annex a tranſlation in Perſian.

*Third.* In the examination of witneſſes, leading queſtions, ſuggeſting an anſwer, or having tendency to ſuch ſuggeſtion, are to be carefully avoided, and the interrogatories to them are to be propoſed in ſuch general terms as may bring forth all the information they poſſeſs, and lead to a diſcovery of the truth. With this view, the parties are to be allowed to croſs examine the witneſſes, and the judge or magiſtrate ſhould alſo croſs examine them, when neceſſary for the ſame purpoſe.

Leading queſtions to be avoided.

Party and judge to croſs-examine.

*Fourth.* All examinations of parties and witneſſes, beſides the

What the examinations are to ſpecify.

name of the person examined, are to specify the name of his or her father, and, if a married woman, the name of her husband, also the religion, cast, profession and age of the party or witness; and the village and pergunnah in which they reside.

In what manner examinations are to be made respecting stolen goods.

*Fifth.* When any stolen property, or instruments of violence stated to have been found upon the prisoners, or in their houses, are produced before the magistrate, or court of circuit, the prosecutor, and any witnesses brought to give evidence thereupon, are to be carefully examined relative to the identity of such property, or instruments recognized by them; and the circumstances of the same having been found upon the prisoners or in their houses. The principle of this rule is to be further applied in all instances of circumstantial evidence to which it may be applicable.

Rule to be applied to circumstantial evidence.

Admonition to be read to witnesses.

*Sixth.* With a view to impress upon the witnesses the necessity of caution and accuracy in delivering their evidence, it shall be the duty of the mullah koranee, or of the Brahmin to repeat aloud to them in the language which they best understand, the following admonition, immediately after they shall have been sworn respectively viz. "In delivering your evidence under the "oath now administered, you are required to declare the truth, "the whole truth, and nothing but the truth! You are carefully "to distinguish what you personally know as an eye-witness, or "otherwise, from what you may have heard from others; and are "solemnly bound to answer all questions put to you on the trial "before the court without any regard to the prosecutor or pri-"soner, to the best of your information and belief."

Court of circuit to notice any variations in the depositions of the same witnesses.

*Seventh.* The courts of circuit are to be careful to notice on their proceedings any material differences between the depositions of the same witnesses before them and the magistrates, and are to question the witnesses thereupon, and record their answers; but the depositions taken before the magistrates, are not to be read before the court of circuit in the presence of the persons who gave the

Depositions taken before the magistrates not to be read until

the ſame, until they ſhall have been re-examined before the court of circuit.

The witneſſes ſhall have been re-examined.

VIII. If at any time the law officer of the court of circuit be prevented by indiſpoſition, or otherwiſe, from attending that court whilſt ſitting at any zillah or city ſtation, the Mahomedan law officer of the zillah or city court at ſuch ſtation, is to officiate for him as long as may be neceſſary on ſuch occaſions; and as far as reſpects the trials at which he may ſo officiate, is to perform the ſame duties as by the exiſting regulations are or may be ordered to be performed by the law officer of the court of circuit.

In caſe of the indiſpoſition of the law officer of the court of circuit, the law officer of the city or zillah court to officiate for him.

IX. *Firſt.* The darogahs of the police juriſdictions in Bengal, Bahar and Oriſſa, and principal local police officer under the tehſeeldars in Benares who have charge of the police, are to make it an invariable rule whenever information is lodged of a perſon having died an unnatural death, to proceed to the ſpot on which the dead body may be found, and to obſerve the following inſtructions.

Inſtructions to darogahs and tehſeeldars in Benares in caſes of unnatural death.

*Second.* That they examine the body, to aſcertain whether there are any marks of violence upon it, and if there are any wounds or bruiſes, to aſcertain the number of them, the length, breadth, and depth of each wound, with what weapons the wounds or hurts may appear to have been given, and the parts of the body on which they may have been received.

To examine the body, and aſcertain particulars reſpecting the wounds and the inſtruments with which they may have been given.

*Third.* That they deſcribe particularly the place on which the dead body may be found, and whether the murdered perſon appears to have been killed on the ſpot, or to have been brought and laid there; and that they aſcertain particularly the name of the deceaſed perſon, if any perſon preſent ſhould recognize him.

To deſcribe the ſpot and to aſcertain if poſſible the name of the deceaſed.

*Fourth.* That if the perſon murdered ſhall appear to be a ſtranger, and his name ſhall not be known, they are to endeavour

If the deceaſed ſhall appear to be a ſtranger, to aſcertain where he was laſt ſeen.

to

to aſcertain where he was laſt ſeen, and where he ſlept the night before.

Their report to be atteſted by creditable perſons on the ſpot, and to be forwarded to the magiſtrate.

*Fifth.* That the above inquiries be made in the preſence of creditable people of the neighbouring villages, and committed to writing, and that they require the perſons preſent to affix their names to the paper, which is likewiſe to be atteſted by their own ſignature, and that of the police mohurrer of the juriſdiction, and forwarded without delay to the magiſtrate.

Nizamut adawlut authorized to order tranſportation beyond ſea.

Magiſtrates to iſſue a proclamation at every jail delivery notifying that priſoners who may be under ſentence for heinous offences will be tranſported.

X. The nizamut adawlut are authorized, under the diſcretion in this reſpect allowed by the Mahomedan law, to order any priſoner ſentenced to impriſonment for life or for a limited period, the ſame being for ſeven years or upwards, to be tranſported to ſome place beyond ſea; and the zillah and city magiſtrates, at every jail delivery, are to cauſe a written proclamation to be read and affixed in their cutcherries, as well as in the cutcherries of their police officers; notifying that all perſons who may be ſentenced to be confined for life, or for a term of ſeven years and upwards for murder, decoiting, robbing, or plundering, or burning houſes, or property, or any other crime of a heinous nature, will be liable to tranſportation to ſome place beyond ſea by order of the nizamut adawlut; to which court a reference is to be made by the courts of circuit in all inſtances wherein they ſhall conſider the parties convicted to be proper objects for tranſportation under the ſentences paſſed againſt them for impriſonment.

Court of circuit to make a reference to the nizamut adawlut whenever they may think the priſoner a proper object for tranſportation.

Convicts ſentenced to confinement for life to be marked on the forehead by the proceſs termed *godena*.

XI. To facilitate the re-apprehenſion of convicts ſentenced to confinement for life who may make their eſcape from jail, all convicts of this deſcription are to have the following particulars inſcribed on their foreheads, viz. their name, the crime of which they may have been convicted, the date of the ſentence paſſed againſt them, and the name of the diviſion by the court of which it may have been paſſed. This inſcription, is to be made by the proceſs termed *godena* by which the Hindoo women ornament their faces, and which

which leaves a blue mark that cannot be effaced without tearing off the ſkin.

XII. The judges of the courts of circuit on their return from each circuit, are to tranſmit to the nizamut adawlut, a report containing ſuch obſervations as they may have made during the circuit regarding the effect of the preſent ſyſtem for adminiſtering the criminal laws, in the prevention and puniſhment of crimes; as well as reſpecting the ſtate of the jails; the treatment and employment of the priſoners, and ſuch other matters as they may think deſerving the notice of the court. Any new regulations however which the judges of circuit may deem adviſable, are to be propoſed in the manner and form preſcribed by Regulation XX, 1793.

Judges after each circuit to report their obſervations on the effect of the ſyſtem; to report the ſtate of the jails and other particulars.

Any new regulation which may appear neceſſary to be propoſed as required by regulation XX, 1793.

XIII. The courts of circuit are already required by Section LVIII, Regulation IX, 1793, to tranſmit to the nizamut adawlut copies and Engliſh tranſlates of their proceedings on the trial of all priſoners whom they may ſentence to ſuffer death, or who may in their opinion be deſerving of capital puniſhment, within ten days after the trial is completed; or as much earlier as from the ſtate of buſineſs may be practicable. They are further directed in the tranſmiſſion of trials to the nizamut adawlut to give a preference, as far as practicable, to thoſe trials on which the priſoner or priſoners may have been ſentenced to capital puniſhment, or may be liable to ſuffer ſuch under the regulations; and whenever the other duties of their regiſter and aſſiſtants, will not admit of their preparing the tranſlates of trials referrible to the nizamut adawlut with the requiſite expedition, they are authorized to employ any perſon or perſons poſſeſſing an adequate knowledge of the language, to make the tranſlates; and to ſettle with them ſuch compenſation for their trouble in tranſlating each trial, as may be conſidered equitable, regulating the amount according to the number of ſheets; or in ſuch other mode as they may judge beſt calculated to prevent any undue charge; and tranſmitting to the Governor

Rule in addition to Section LVIII, of Regulation IX, 1793.

Courts of circuit if practicable to tranſmit thoſe trials firſt to the nizamut adawlut on which the priſoners have been ſentenced to capital puniſhment or may incur it.

In caſes of emergency, court of circuit authorized to employ perſons properly qualified to tranſlate trials referrible to the nizamut adawlut.

Manner of ſettling the compenſation to be allowed.

Contingent bill to be tranſmitted to the Go-

Governor General in Council.

The judge of circuit to attest and to be responsible for the translation.

vernor General in Council a monthly contingent bill for the expence. The judge of circuit before whom the trial may have been held, is however in all instances to examine and attest the translation; and will be held responsible for its accuracy.

Court of circuit to be guided by the instructions of the nizamut adawlut, respecting the transmission of their proceedings.

XIV. The courts of circuit, in the transmission of their proceedings to the nizamut adawlut, are to be guided by such forms and instructions, as they may receive from that court.

# A. D. 1797. REGULATION V.

A REGULATION *for preventing the offence of dhurnah in the provinces of Bengal, Behar, and the Company's territories in Orissa.*—PASSED *by the Vice President in Council, on the 24th March 1797; corresponding with the 14th Cheyte 1203 Bengal era; the 12th Cheyte 1204 Fussily; the 14th Cheyte 1204 Willaity; the 12th Cheyte 1854 Sumbut; and the 24th Ramzaan 1211 Higeree.*

THE practice of sitting dhurnah, having obtained in the province of Behar; and the rules for preventing dhurnah contained in Regulation XXI, 1795, being in some respects applicable to the province of Benares alone, and also restrained in their operation to that province solely; the Vice President in Council has been pleased to enact the following rules for the punishment of the said offence in the provinces of Bengal, Behar, and the Company's territories in Orissa, to take place from their promulgation.

II.

On the receipt of this regulation, proclamations to be published by the magistrates prohibiting the practice of dhurnah, which proclamations after publication to be deposited among the records of the foujdarry courts; and copies of them to be laid before the courts of circuit on trials for the said offence.

II. Immediately on the receipt of this regulation, the several magistrates in the provinces of Bengal, Behar, and Orissa, shall prepare a proclamation prohibiting the practice of sitting dhurnah, and notifying that any persons who may practice the same, after the publication of such proclamation, will subject themselves to the punishment hereafter mentioned. The zillah magistrates shall transmit the said proclamation to the several police darogahs within their respective jurisdictions, and the city magistrates to the darogahs of the wards in their respective cities, with directions to publish the same by beat of drum at their tannahs, and wards, and afterwards transmit them to the magistrates, with certificate of such publication, and the manner in which it has been made. The several magistrates shall deposit such proclamations so certified to them, amongst the records of their foujdarry courts, and on every trial for dhurnah which may take place under this regulation, shall lay before the court of circuit a copy authenticated by their signature of the proclamation published, and certified as above directed, by the darogah of the tannah or ward, within whose jurisdiction the offence may be charged to have been committed.

On charges of dhurnah, magistrate to proceed according to Clause Second, Section XI, Regulation XXI, 1795.

III. On a complaint in writing being preferred to the magistrate against any person or persons for sitting dhurnah, he shall proceed according to the rules in respect to the commitment, bail, or discharge of persons charged with the said offence, contained in Clause Second, Section XI, Regulation XXI, 1795, which are hereby declared to extend to the provinces of Bengal, and Behar, and the Company's territories in Orissa.

Trials for dhurnah to be brought forward and conducted with the modifications herein contained (under Regulation IX, 1793). The evidence on such trials to be referred to the pundits of the provincial courts of appeal,

IV. The trial of persons charged with sitting dhurnah, shall be brought forward by the magistrates, and take place before the court of circuit, (with the modifications herein contained,) under the several rules prescribed to the magistrates and courts of circuit for the bringing forward and conducting trials in Regulation IX, 1793. The court of circuit on being satisfied that the proclamation directed in Section II, has been duly made in the tannah or

ward

ward in which the offence may be alledged to have been committed, are to proceed to examine the evidence for the prosecution, and after the evidence is closed, shall transmit it to their respective sudder stations. On the receipt of the evidence, the judges present at the sudder station, shall refer it to the pundit or pundits of the provincial courts of appeal, who are hereby authorized and required to deliver in writing the bebusta or exposition of the law of the Shaster, as to whether the facts contained in the evidence amount to proof of the prisoner or prisoners having committed dhurnah; and in the event of such bebusta being in the affirmative, the said judges if present, shall sentence the prisoner or prisoners, to forfeit all title to the right or claim for the realization of which the misdemeanor shall have been committed, and to pay a fine to Government proportioned to the situation and circumstances in life of the prisoner or prisoners, provided that the amount shall not exceed in any case the sum of one thousand sicca rupees; and also in instances attended with great aggravation, to be confined in the dewanny jail for a period not exceeding one year; and shall issue their warrant to the magistrate in whose custody the prisoner or prisoners may be detained, to carry the sentence into execution without reference or delay.

and should they declare the charge to be proved the prisoner to be sentenced to forfeit the claim for which the offence was committed, to pay a fine not exceeding one thousand rupees and to be confined (in certain cases) for a period not exceeding one year.

V. The rules contained in Section XII, Regulation XXI, 1795, are hereby declared to extend to the provinces of Bengal, and Behar, and the Company's territories in Orissa, with this exception, that instead of the penalties specified in the said section, the punishment mentioned in the preceding section of this regulation shall be inserted in the mochulka directed to be taken from prisoners; and be inflicted on persons who may be convicted of a second offence as specified in the section aforesaid, of Regulation XXI, 1795.

The rules contained in Section XII, of Regulation XXI, 1795, extended to Bengal, Behar, and Orissa, with the necessary modifications herein contained.

# A. D. 1797. REGULATION VI.

A REGULATION *for abolishing Regulation* XXIII, 1793, *entitled*, a regulation for raising an annual fund for defraying the expence of the police establishments entertained under Regulation XXII, 1793; *and for establishing new fees on the institution and trial of suits in lieu of those prescribed by Regulation* XXXVIII, 1795; *and for levying a stamp duty on certain law, and other papers and documents, and a per centage on the fees of the authorized pleaders in the courts of civil judicature, in the provinces of Bengal, Behar, Orissa, and Benares.*—PASSED *by the Vice President in Council, on the* 10*th April* 1797; *corresponding with the* 31*st Chyte* 1203 *Bengal era; the* 29*th Chyte* 1204 *Fussily; the* 31*st Chyte* 1204 *Willaity; the* 29*th Chyte* 1854 *Sumbut; and the* 12*th Shawaul* 1211 *Higeree.*

BY Regulation XXIII, 1793, it was enacted that the annual expence of the police establishments in the several zillahs and cities

cities in the provinces of Bengal, Behar, and Orissa, should be defrayed under certain rules specified in the said regulation, by the native merchants, traders, and shopkeepers, who either resided or had houses of trade, golahs, or shops, in any town or village, or in any gunge, bazar, or haut, or elsewhere. Difficulties however have been experienced in determining what persons were liable to be charged with the tax under the said regulation, and also in fixing the amount to be assessed on the towns, bazars, and other places respectively, and the proportion to be paid by the several contributors residing or having commercial concerns therein; and frauds and exactions have in consequence been committed by the assessors and collectors, to the vexation of the contributors, as well as to the diminution of the produce of the tax. The Vice President in Council has therefore resolved to abolish this tax; and with a view further to discourage the preferring of litigious complaints, and the filing of superfluous exhibits and the summoning unnecessary witnesses on the trial of suits, and also to provide for the deficiency which will be occasioned in the public revenue by the abolition of the police tax, as well as to add eventually to the public resources, without burthening individuals, he has resolved to substitute new fees on the institution and trial of suits in the room of the fees established by Regulation XXXVIII, 1795, and likewise to establish stamp duties on certain original deeds or papers, and all copies of deeds or papers, which may be prepared and attested by the cauzies or their officers, or the mufties, and on all pleadings in the courts of civil judicature, and on all copies of papers furnished by the said courts, and the board, and the collectors of the revenue, and on all rowannahs issued from the department of the customs, and on certain written obligations for the payment of money, and on the sunnuds of appointment granted to cauzies and authorized pleaders in the courts of judicature, with a per centage on the fees paid to the latter. The following rules have been accordingly enacted, and are to be considered in force in the four provinces from the date of their receipt in the several city and zillah courts.

II. *First.*

II. *First.* Regulation XXIII, 1793, is hereby declared to be rescinded from the date on which this regulation may be received in the zillah and city courts respectively in the provinces of Bengal, Behar, and Orissa; and the collectors in the said provinces are thereon to withdraw the officers employed in the assessment or collection of the tax, and to discontinue all demands or collections on account of it.

Regulation XXIII, 1793, abolished.

*Second.* The produce of the lands, and the allowances, resumed, or resumable, under Clause Fourth, Section VIII, Regulation I, 1793, being still applicable towards defraying the expence of the police, are to be carried to the public account towards discharging the same as heretofore.

Produce of lands and allowances applicable to the police, to be carried to the public account as heretofore.

III. *First.* The native commissioners vested with the powers of munsiff, under Regulation XL, 1793, and XXXI, 1795, are to levy from the plaintiff in every suit that may be preferred to them in the first instance, after the receipt of this regulation in the several zillahs and cities respectively, a fee of one anna in the rupee, and no more, on the amount of the money, or the value of the personal property, which may constitute the subject of the suit, being the same amount as they were heretofore authorized to levy under Regulation XXXVIII, 1795.

Fee of one anna in the rupee to be paid on the institution of suits before the munsiffs.

*Second.* The munsiffs are not to receive any such suits, until the prescribed fee shall have been paid.

Suits not to be received until the fee be paid.

*Third.* The munsiffs are to endorse on the back of the petition of complaint, the amount of the fee which may be so received by them, and the date of the receipt of it, and subscribe the endorsement with their signature; and they shall also state the amount after the particulars of the decision of the suit, in the third column of the monthly report which they are required to transmit to the judge in their capacity of munsiff, by Section XV, Regulation XL, 1793.

Where the munsiff is to record the amount of the fees received by him.

*Fourth.*

How the fees received by the munsiffs are to be appropriated.

*Fourth.* The munsiffs are to appropriate the fees they may collect under this section, to their own use, as a compensation for their trouble, and an indemnification for the expence which they may incur, in the execution of the duties of their office.

Rescinded by Fourth Sect. Regn. XLIX. 1803.

Fees to be paid on suits preferred to the zillah and city courts. Courts prohibited from filing the petitions until the fees be paid.

IV. *First.* In lieu of the fees specified in Section III, Regulation XXXVIII, 1795, the following fees shall be paid by plaintiffs on the institution of suits in the zillah and city courts which may be preferred after the receipt of this regulation in the several zillahs and cities, and the courts are not to file any petition of complaint until the fees hereafter prescribed shall have been paid.

Fees on suits for money or personal property.

*Second.* In suits for money, or the value of personal property.

On sums not exceeding two hundred rupees, at the rate of one anna per rupee.

On sums above two hundred, and not exceeding one thousand rupees, the fees are to be paid on two hundred rupees of the amount, as above prescribed for that sum, and at the rate of four per cent on the remainder.

On sums above one thousand, and not exceeding five thousand rupees, the fees are to be paid on one thousand rupees of the amount, as above prescribed for that sum, and at the rate of three per cent on the remainder.

On sums above five thousand, and not exceeding twenty-five thousand rupees, the fees are to be paid on five thousand rupees of the amount, as above prescribed for that sum, and at the rate of two per cent on the remainder.

On sums above twenty-five thousand, and not exceeding fifty thousand rupees, the fees are to be paid on twenty-five thousand rupees of the amount, as above prescribed for that sum, and at the rate of one per cent on the remainder.

On sums above fifty thousand rupees, the fees are to be paid on fifty thousand of the amount, as above prescribed for that sum, and at the rate of half per cent on the remainder.

To

To obviate the trouble of minute calculations, where the ſum may be in rupees, and fractions of rupees, the fractions are to be rejected in calculating the fees.

*Third.* In ſuits for malguzarry land, (land paying revenue to Government), fees are to be levied from the plaintiff on the amount of the annual jumma payable from the land to Government, at the rates and under the rules ſpecified in Clauſe Second.

Fees on claims to malguzarry land.

*Fourth.* In ſuits for lakheraje land, (land held exempt from the payment of revenue to Government,) fees are to be paid by the plaintiff at the rates, and under the rules ſpecified in Clauſe Second, on ten times the amount of the annual produce of the land, which is to be eſtimated according to the rule prescribed in Section III, Regulation IV, 1793.

Fees on claims to lakheraje land.

*Fifth.* In ſuits for houſes, tanks, gardens, or other real property, not being land of the deſcriptions ſpecified in the two preceding clauſes, fees are to be paid by the plaintiff on the eſtimated value of the property, at the rates and under the rules ſpecified in Clauſe Second.

Fees on claims to real property not being malguzarry or lakheraje land.

+ *Sixth.* The undermentioned proportions of the fees collected agreeably to this ſection, on ſuits which may be referred by the judge to his regiſter for deciſion under Regulation VIII, 1794, after the receipt of this regulation, ſhall be paid for his own uſe to the regiſter by whom the ſuits may be determined, or before whom they may be depending, in the event of the parties adjuſting them by razenamah.

Proportion of the fees levied under this ſection, to be paid to the regiſters on ſuits determined before them.

+ Rescinded by Clause First Sect. VII. Reg. XLIX. 1803

On ſums not exceeding fifty rupees, one anna per rupee.

On ſums above fifty, and not exceeding two hundred rupees, one anna per rupee on fifty rupees, and half an anna per rupee, on the remainder of the ſum.

*Seventh.*

Commissioners in their capacity of referees and arbitrators, to receive from the court the fees levied under this section on suits determined before them.

*Seventh.* The fees which shall be collected under this section, on suits which may be referred to the commissioners for decision in their capacities of referees (aumeens), or arbitrators (salisan), under Regulations XL, 1793, and XXXI, 1795, shall be paid by the courts to the commissioner by whom the suits may be determined, or before whom they may be depending, in the event of the parties adjusting them by razenamahs, as a compensation for their trouble, and an indemnification for the expence which they may incur in the discharge of the duties of their office.

Fees to be paid on the trial of suits in the zillah or city courts or before the registers of those courts.

V. *First.* In lieu of the fees specified in Section IV, Regulation XXXVIII, 1795, the following fees shall be paid from the date of the receipt of this regulation by the zillah and city courts on the trial of suits now under trial, or which may be hereafter tried in the first instance by the judges of the zillah and city courts, or by their registers.

In suits for money, or personal property, not exceeding in amount or value two hundred sicca rupees, or for lakheraje land, the annual produce of which shall not be above twenty sicca rupees, or for malguzarry land, the annual jumma payable from which to Government shall not exceed two hundred sicca rupees, or for other real property, the estimated value of which shall not be above two hundred sicca rupees,

On every exhibit which may be filed after the receipt of this regulation, in addition to the plaint, answer, reply, and rejoinder, - - eight annas.

For every witness who may be summoned, or ordered to be examined on commission after the receipt of this regulation, - - - - eight annas.

In suits for money, or property, the amount, value, annual jumma, or annual produce of which may exceed that above specified, but which shall not be such as is declared to render a suit appealable to the sudder dewanny adawlut,

On every exhibit which may be filed after the receipt of this regulation,

regulation, in addition to the plaint, answer, reply, and rejoinder, - - - one rupee.

For every witness who may be summoned, or ordered to be examined on commission, after the receipt of this regulation, - - - one rupee.

In suits for money or property, the amount, value, annual jumma, or annual produce of which shall be such as is declared to render a cause appealable to the sudder dewanny adawlut,

On every exhibit, which may be filed after the receipt of this regulation, in addition to the plaint, answer, reply, and rejoinder, - - - two rupees.

For every witness who may be summoned, or ordered to be examined on commission, after the receipt of this regulation, - - - two rupees.

*Second.* The fees to be levied under this section, are to be paid on the exhibits being presented to be filed, or the summonses or commissions for the attendance or the examination of the witnesses being applied for; and the exhibits shall not be filed, nor the summonses or commissions issued, until the fees be paid.

When the fees to be levied under this section are to be paid.

VI. *First.* In appeals to the judges of the zillah and city courts, from the decisions of the native commissioners appointed under Regulations XL, 1793, and XXXI, 1795, in their capacities of referees, arbitrators, or munsiffs, and from decisions passed by the register under Regulation VIII, 1794, fees shall be levied on the institution of the appeal, and, on the trial of it, at the rates, and under rules and restrictions similar to those prescribed in Sections IV, and V, of this regulation, in lieu of the fees specified in Sections III, and IV, of Regulation XXXVIII, 1795.

Fees to be paid on the institution and trial of appeals from the decisions of the native commissioners and the registers.

*Second.* To prevent misconstruction, it is declared, that if an appellant shall present a petition of appeal to the court, or (if the decree with which the party may be dissatisfied shall have been passed by the register,) to the register, and the judge or register, in conformity

Persons desirous of appealing, who shall not pay the fees, and present their petition of appeal within the limited time, to forfeit their right to an appeal.

formity to the rule prescribed in Clause First, Section IV, respecting petitions of complaint preferred in the first instance to the zillah and city courts, shall refuse to file the petition, in consequence of the petitioner not having paid the fees, and he shall not both pay the fees and present the petition before the elapse of the time limited for filing petitions of appeal, his having presented the petition without the fees before the expiration of the limited time for appealing, shall not be considered as preserving to him his right of appeal, but his appeal shall be rejected, unless the judge shall deem it proper to admit the appeal under the discretionary power vested in him by Section XX, Regulation XL, 1793, or Clause Second, Section III, Regulation XXXVI, 1795, according as the decision appealed from may have been passed by a native commissioner, or a register.

Fees to be levied on appeals, and on suits tried in the first instance in the provincial courts of appeal and the sudder dewanny adawlut.

VII. After the date of the receipt of this regulation in the several courts respectively, in appeals which may be preferred to the provincial courts of appeal from the decisions of the zillah and city courts, and in appeals which may be presented to the sudder dewanny adawlut, from the decisions of the provincial courts of appeal, and in suits now under trial, or which may be hereafter tried in the first instance in the provincial courts of appeal, and in the sudder dewanny adawlut, the provincial courts of appeal and the sudder dewanny adawlut respectively, shall levy fees on the institution of the appeals or suits, and also on the trial of the appeals or suits, at the rates, and under rules and restrictions similar to those specified in Sections IV, and V, and Clause Second, Section VI, of this regulation, in lieu of the fees prescribed in Sections III, and IV, and Clause Second, Section V, Regulation XXXVIII, 1795.

By whom the fees directed to be levied in the preceding sections on the institution of suits or appeals are to be ultimately paid.

VIII. *First.* The fees directed to be collected in the preceding sections of this regulation, on the institution of suits or appeals, are to be added by the court or commissioner, before whom the suits or appeals may be tried, to the costs that may be awarded against the party cast, or, in cases from a consideration of the circumstances of which the courts or commissioners may deem

it

it proper ſo to do, they may order the fees to be borne by the parties reſpectively, in ſuch proportions as they may conſider equitable.

*Second.* The fees directed to be levied on exhibits, and on ſummonſes or commiſſions for the attendance or examination of witneſſes in ſuits and appeals, ſhall be invariably ſpecified in the decrees, with the other coſts; and the amount of them, ſhall be charged to the party caſt, or to the parties reſpectively, in ſuch proportions as the courts may deem equitable, on a conſideration of the circumſtances of the caſe.

By whom the fees on exhibits and ſummonſes for witneſſes and orders for the examination of them ſhall be ultimately paid.

IX. In caſes of paupers, the ſudder dewanny adawlut, the provincial courts of appeal, and the zillah and city courts, are empowered to diſpenſe with the payment of the fees directed to be levied in the preceding ſections, under rules and reſtrictions ſimilar to thoſe preſcribed in Regulation XLVI, 1793, regarding paupers who are unable to plead their own cauſes, or to find the ſecurity therein required for the payment of the fees of the vakeels. Commiſſioners in their capacity of munſiffs, are empowered to diſpenſe with the payment of the fees in ſuits inſtituted before them in the firſt inſtance, under the rules and reſtrictions preſcribed to the courts in this ſection.

Paupers may be exempted from the payment of fees under the rules and restrictions herein ſpecified.

Munſiffs may diſpenſe with the payment of the fees on the inſtitution of ſuits under the reſtrictions preſcribed to the courts.

X. Fees, calculated at the rates of the fees required to be paid on exhibits by Section V, of this regulation, according to the property to which it may relate, ſhall be paid on every exhibit delivered to be filed of record, accompanying or referring to any miſcellaneous petition or application not immediately forming part of the proceedings in any ſuit or appeal depending before the court, which may be preſented to the court of ſudder dewanny adawlut, or any provincial court of appeal, or zillah or city court, after the receipt of this regulation by the ſaid courts, and until the fee be paid, the exhibit ſhall not be filed, unleſs in conſideration of the poverty of the perſon preſenting the petition, or application, the courts ſhall deem it proper to diſpenſe with the payment of the fee, in which caſe they are empowered to remit it.

Fees to be taken on exhibits preſented to the ſudder dewanny adawlut, and the provincial courts of appeal, and the zillah and city courts, accompanying or relating to miſcellaneous petitions or applications.

XI. If

Period limited for the re-admission of appeals dismissed under Clause Second, Section X, Regulation XXXVIII, 1795.

XI. If any appeals shall have been dismissed under Clause Second, Section X, Regulation XXXVIII, 1795, and shall not have been reinstituted under Clause Third, of the same section of the said regulation, the judgments from which such appeals have been made, shall stand good, unless the appeals shall be reinstituted within three months from the date of the receipt of this regulation in the court in which the appeal may be cognizable. The courts of judicature are to fix up a translate of this section in the native languages in their respective court rooms immediately on the receipt of it.

Officer appointed to issue stampt paper, and to keep accounts thereof.

XII. An officer shall be appointed at Calcutta for issuing stampt paper, and keeping accounts of the same under the following regulations, or such other regulations as may be hereafter prescribed.

To be styled superintendent of the stamps, and to be subject to the orders of the Board of Revenue.

XIII. The officer shall be styled "superintendent of the stamps," and shall be subject to the orders of the Board of Revenue. Previous to entering on the execution of the duties of his office, he shall take and subscribe the following oath before the Governor General in Council, or whomsoever he may commission to administer it.

Oath to be taken by the superintendent.

"I A. B. appointed superintendent of the stamps, solemnly swear, that I will diligently and faithfully execute the duties of the said office according to the best of my knowledge and judgment, and that I will not directly or indirectly derive, or knowingly allow any person to derive, any pecuniary advantage or emolument, from, or on account of, any matters relating to the said office, excepting such as may be expressly authorized by the Governor General in Council.

To whom the superintendent may issue stampt paper.

XIV. The superintendent shall not issue any stampt paper from his office, excepting on a written application from the courts, boards, or officers, expressly authorized to apply to him for the same

ſame by this regulation, or any regulation which may be hereafter enacted, ſpecifying the number and deſcriptions of ſtampt rolls or ſheets required. Theſe applications ſhall be the vouchers of the ſuperintendent of the ſtamp office for the iſſue of the paper. The courts, boards, and officers, ſo authorized, are to make timely applications to the ſtamp office for ſupplies of ſtampt paper, that the public buſineſs, or that of individuals, may not ſuffer interruption from the want of it.

Courts &c. authorized to apply for ſtampt paper to make timely applications for it.

XV. *Firſt.* The ſtamps ſhall be cut at the Calcutta Mint, and ſo as to be as little liable as poſſible to be counterfeited; and care ſhall be taken that the impreſſion be durable; and with a view to guard againſt forgeries, or for other purpoſes, the Governor General in Council reſerves to himſelf the power of having new ſtamps prepared in different ſhapes, and with different marks, as often as he may judge proper, and alſo of varying the ſize and deſcription of all paper to which ſtamps are or may be directed to be affixed, according as circumſtances and local conſiderations may render adviſable; but the deſignation of the ſtamp, and the amount of the duty, ſhall be continued in the inſcription, and ſhall not be altered but by a regulation printed and publiſhed in the manner preſcribed in Regulation XLI, 1793.

Stamps to be cut in the Calcutta Mint.

Power reſerved to the Governor General in Council, of preparing new ſtamps with different marks &c. and of varying the ſize and deſcription of the paper; but not of altering the deſignation or amount of the duties but by a regulation printed and publiſhed as preſcribed by Regulation XLI, 1793.

*Second.* The paper to be ſtampt, ſhall be purchaſed by the ſuperintendent, or ſhall be provided by contract, or otherwiſe procured, as the Board of Revenue, with the ſanction of the Governor General in Council, ſhall deem adviſable, at the expence of Government.

How the paper to be ſtampt is to be provided.

†XVI. *Firſt.* All original deeds of contracts, bargains, ſales, mortgages, releaſes, aſſignments, and other conveyances in writing, or inſtruments, excepting original deeds relating to marriage ſettlements, which are not required to be written on ſtampt paper, and the original obligations for the payment of money, hereafter ſpecified in Section XXI, which are to be written on the paper therein directed, and all copies of the deeds and inſtruments above

All original inſtruments (thoſe relating to marriage ſettlements only excepted) and all copies, prepared by the cauzies or their officers, or the mufties, to be written on ſtampt paper.

† Reſcinded by Sec. II. Reg. VII. 180

above deſcribed, including copies of deeds relating to marriage ſettlements, and the aforeſaid obligations for the payment of money, which ſhall be prepared by the cauzy of any place, or his officers, or any mufty, and which are to be atteſted with his or their ſeals or ſignatures, ſhall be written on ſtampt paper of certain ſizes and deſcriptions with which the cauzies and mufties will be furniſhed. The parties at whoſe application ſuch original deeds or inſtruments, or the copies of them, may be prepared and atteſted, ſhall pay to the cauzy or the mufty previous to his delivering the documents, at the rate of one ſicca rupee, or eight annas, or four annas, or two annas, according as may be ſpecified in the ſtamp affixed to the paper uſed, for every roll or ſheet, or part of a roll or ſheet, ſo ſtampt, which may be expended in preparing ſuch original deeds or inſtruments, or the copies of them. The cauzies and the mufties ſhall account for, and pay to, the collector, thirteen annas in each rupee of the ſum ſo paid to them, as often, and in ſuch manner, as may be preſcribed to them, and ſhall appropriate the remaining three annas to their own uſe, as a compenſation for their trouble, and any expence which they may incur; and on condition alſo that they ſhall be reſponſible for all ſtampt paper with which they may be ſupplied, that may be deſtroyed, or damaged, or not forthcoming, after they ſhall have received charge of it. The undefined fees for preparing and atteſting the aforeſaid deeds or papers, which the cauzies were empowered to receive under Section VIII, Regulation XXXIX, 1793, and alſo the fees received by the mufties on the ſame account, are hereby aboliſhed. This rule however, is not to affect the fees for the performance of marriage or other religious ceremonies, or funeral rites, that may be voluntarily paid by the parties at whoſe deſire they may be performed, which fees, the cauzy or officer performing ſuch rites or ceremonies is allowed to receive as heretofore.

Rate of duty to be paid for the ſtamps.

Thirteen annas of the amount collected to be paid by the cauzy or the mufty to the collector, and the remaining three annas to be appropriated to his own uſe, for the purpoſes and under the conditions herein ſpecified.

*Second.* The reſpective ſtamps ſhall have an inſcription to the following effect in the Perſian and Bengal languages and characters, and in the Hindooſtanee language and Nageree character:

Inſcription on the ſtamps.

Law

Law papers "one rupee."
or "eight annas."
or "four annas."
or "two annas."

*Third.* Immediately on the receipt of this regulation, the magiſtrates ſhall call upon the cauzies, and, where there are any ſuch officers, on the muſties, in their reſpective juriſdictions, for a ſample of the ſize and deſcription of paper, on which the original deeds or inſtruments, or copies of deeds or inſtruments, which they prepare or atteſt, are uſually written, and ſhall forward ſuch ſamples to the collectors, who ſhall tranſmit them to the Board of Revenue. On the receipt of theſe ſamples, the Board of Revenue ſhall forward them to the Governor General in Council, who will determine on the ſize and deſcription of paper to which the ſeveral ſtamps ſhall be reſpectively affixed, and the ſuperintendent will be directed to furniſh the neceſſary ſupplies to the collectors for the cauzies and muſties accordingly.

The magiſtrates to call on the cauzies and the muſties for the ſize and deſcription of paper uſed in preparing deeds or other inſtruments,

and to forward the ſample to the collector.

Collector to forward the ſample to the Board of Revenue, that the Governor General in Council may determine the ſame, and the ſtamps to be affixed.

*Fourth.* After the cauzies and muſties ſhall have been furniſhed with the requiſite ſupply of paper in the firſt inſtance, by the collector, as preſcribed in Clauſe Third, it will be their duty to make timely applications to him for the neceſſary ſupplies in future; and all applications for ſtampt paper from the cauzies or muſties to the collector, ſhall be made in writing under their official ſeals and ſignatures, and ſhall ſpecify the date on which ſuch applications may be made, and the number of each deſcription of paper applied for. Atteſted copies, or the originals of theſe applications, ſhall be forwarded by the collector to the ſuperintendent of the ſtamp office.

Cauzies and muſties to make timely applications in writing for ſtampt paper.

*Fifth.* The cauzies are to furniſh their mullahs, or other officers, with the requiſite quantity of ſtampt paper from the ſupplies which they may receive from the collector, and are to be reſponſible to the collector for the duties on the paper ſo furniſhed to their officers.

Cauzies to furniſh their officers with ſtampt paper, and to be reſponſible for the duties.

*Sixth*

Penalty for cauzies or their officers or mufties preparing any inftruments excepting on ftampt paper.

*Sixth.* If any cauzy, or officer of a cauzy, or any mufty, after the receipt of this regulation, and being furnifhed with ftampt paper in the firft inftance, as prefcribed in Claufe Third, fhall affix, or fuffer to be affixed, his official feal or fignature to any deed or inftrument required to be written on ftampt paper, whether the fame be an original or a copy, which fhall be drawn up, or written, on any paper excepting fuch ftampt paper, he fhall be difmiffed from his office, and fuch document fhall not be admitted in evidence, or otherwife received by any court of judicature, or by any magiftrate, board, or collector, or other officer, being a civil covenanted fervant of the Company, to whom it may be prefented in virtue of his office, until the party prefenting it fhall have paid a penalty of ten times the amount of the duties which the judge of the zillah or city court, or collector of the jurifdiction, may compute would have been chargeable on fuch document, if it had been written on ftampt paper; and until he fhall alfo have produced a receipt from the regifter of the faid court, or the collector of the diftrict, or jurifdiction, fhowing that fuch penalty has been paid. The penalty fhall be carried to the account of Government, and the levying thereof fhall be fpecified in writing on the back of the deed or paper, and reported by the court or collector to the Governor General in Council, that the cauzy or his officer or mufty fo offending, may be proceeded againft as above prefcribed.

Document not to be admitted in evidence or received, until the party prefenting fhall have paid a penalty of ten times the amount of the duties.

Report of the cauzy or his officer or mufty offending, to be made to the Governor General in Council.

All pleadings in the courts of civil judicature to be written on ftampt paper.

XVII. *Firft.* After the date of the receipt of this regulation by the zillah and city courts, the provincial courts of appeal, and the fudder dewanny adawlut refpectively, every petition, anfwer, reply, and rejoinder, or any fupplement to the faid pleadings, which may be prefented to any zillah or city court, or any provincial court of appeal, or to the fudder dewanny adawlut, whether in fuits originally inftituted in the faid courts refpectively, or brought in appeal, fhall be written on ftampt paper, of a certain fize and defcription, for every roll or part of a roll expended in writing of which, the following rates, to be fpecified in the ftamps affixed to the paper, fhall be paid.

*Second.*

*Second.* In ſuits for money or perſonal property, not exceeding in amount or value one hundred ſicca rupees, or for lakheraje land, the annual produce of which ſhall not be above ten ſicca rupees, or for malguzarry land, the annual jumma payable from which to Government ſhall not exceed one hundred ſicca rupees, or for other real property, the eſtimated value of which ſhall not be above one hundred ſicca rupees, four annas. Rates of the ſtamp duties.

*Third.* In ſuits for money or property, the amount, value, annual jumma, or annual produce of which, may exceed that ſpecified in the preceding clauſe, but which, if for money or perſonal property, ſhall not exceed two hundred ſicca rupees, or, if for lakheraje land, the amount of the produce of which ſhall not be above twenty ſicca rupees, or, if for malguzarry land, the annual jumma payable from which to Government, ſhall not exceed two hundred ſicca rupees, or, if for other real property, the eſtimated value of which ſhall not be above two hundred ſicca rupees, - eight annas.

*Fourth.* In ſuits for money or property, the amount, value, annual jumma, or annual produce of which may exceed that ſpecified in the preceding clauſe, but which ſhall not be ſuch as is declared to render a ſuit appealable to the ſudder dewanny adawlut, one rupee.

*Fifth.* In ſuits for money, or property, the amount, value, annual jumma, or annual produce of which ſhall be ſuch as is declared to render a cauſe appealable to the ſudder dewanny adawlut, - - - - - two rupees.

*Sixth.* The ſtamps reſpectively ſhall have an inſcription to the following effect, in the Perſian and Bengal languages and characters, and in the Hindooſtanee language and Nageree character: Inſcription on the ſtamps.

Pleadings " four annas."
or " eight annas."
or " one rupee."
or " two rupees."

*Seventh.*

Sudder dewanny adawlut to furnish samples of the paper for pleadings.

*Seventh*, On the receipt of this regulation, the sudder dewanny adawlut shall transmit samples of the size and description of paper which they may recommend to be used in writing the pleadings in the several courts, to the Governor General in Council, who will fix the same; and on the application of the courts, the superintendent of the stamp office shall furnish them with the requisite supplies of stampt paper, the courts accounting for the paper to the superintendent according to such rules as may be prescribed to them.

Stamp not to be considered as any evidence of the value of property claimed.

*Eighth*. In case of any question arising regarding the amount or value of the property claimed, the stamp affixed to any of the pleadings, is not to be considered as any evidence thereof.

Miscellaneous petitions and applications, to be considered as pleadings, and to be written on stampt paper.

*Ninth*. All miscellaneous petitions and applications, being of the nature of those described in Section X, shall also be considered as pleadings, and shall be written on stampt paper accordingly, under the rules contained in this section.

Courts to furnish the vakeels with stampt paper.

*Tenth*. That the parties in suits, or their authorized vakeels, may not experience any inconvenience from the want of stampt paper, the courts shall furnish the vakeels of their respective courts from time to time with a quantity of stampt paper for pleadings, the vakeels accounting for the same in such manner as may be required of them.

Penalty for officers and parties filing, or allowing to be filed, pleadings not written on stampt paper.

*Eleventh*. After the courts shall have been furnished with the requisite supply of stampt paper in the first instance, if any register, or any European or native officer of a court of judicature, shall file, or knowingly allow any person to file, any pleading excepting such as shall be written on stampt paper, as required by this regulation, he shall be liable to dismission from his office, and the party so illegally filing such pleading, shall not be entitled to the benefit thereof, until he shall have paid a penalty of ten times the amount of the price of the stamps which the court

may

may compute would have been paid on the pleading, had it been written on ſtampt paper as herein required.

XVIII. *Firſt.* All copies of papers in whatever language the ſame may be written, which ſhall be furniſhed to any perſon at his own application, or in conſequence of any regulation requiring him to take ſuch copy, by the ſudder dewanny adawlut, the provincial courts of appeal, or the zillah or city courts, ſhall be written on rolls, or ſheets, of ſtampt paper of a particular ſize and deſcription and no other; and the party to whom ſuch copy may be furniſhed, ſhall pay at the rate of one ſicca rupee, or eight annas, or four annas, or two annas reſpectively, according as may be ſpecified in the ſtamp affixed to the paper uſed, for every roll or ſheet, or part of a roll or ſheet ſo ſtampt, which may be expended in tranſcribing ſuch papers.

Copies of all papers furniſhed by the courts of civil judicature, to be written on ſtampt paper.

Rate of duty to be paid for the ſtamp.

*Second.* The ſtamps to be uſed for the rolls or ſheets, ſhall have reſpectively an inſcription to the following effect in the Perſian and Bengal languages and characters, and in the Hindooſtanee language and Nageree character:

Inſcription on the ſtamps.

Copy of judicial papers, "one rupee."
or "eight annas."
or "four annas."
or "two annas."

*Third.* On the receipt of this regulation, the ſudder dewanny adawlut ſhall tranſmit to the Governor General in Council, ſamples of the ſize and deſcriptions of the paper which they may recommend to be uſed in tranſcribing judicial papers in the ſeveral courts, with their opinion as to which of the ſtamps they would recommend to be affixed to the ſeveral deſcriptions of papers. The Governor General in Council will determine on the ſize and deſcription of paper to which the ſeveral ſtamps ſhall be affixed, and the ſuperintendent of the ſtamp office ſhall furniſh the ſeveral courts with the requiſite ſupplies on their application, and the courts

Sudder dewanny adawlut to furniſh ſamples of the paper to which the ſtamps are to be affixed, that the Governor General in Council may determine on the ſame, and on the ſtamps to be affixed.

courts ſhall account for the ſame according to ſuch rules as may be preſcribed to them.

Penalty for officers of the courts of judicature allowing copies of papers to be furniſhed excepting on ſtampt paper.

*Fourth.* After the courts ſhall have been reſpectively furniſhed with the requiſite ſupply of ſtampt paper in the firſt inſtance, if any regiſter or other European or any native officer of a court of judicature, ſhall furniſh or make, or knowingly allow any perſon to furniſh or make, a copy of any record or paper belonging to the courts to which they may be reſpectively attached, excepting on the preſcribed ſtampt paper; or atteſt any ſuch copy which ſhall not be written on ſuch paper; he ſhall be liable to diſmiſſion from his office, and the copies ſo illegally made or atteſted, ſhall not be admitted in evidence or otherwiſe received on any occaſion whatever, by any court of judicature, magiſtrate, board, collector, or other officer, being a civil covenanted ſervant of the Company to whom the ſame may be preſented in virtue of his office, until the party preſenting the ſame ſhall have paid a penalty of ten times the amount of the duties which the judge of the zillah or city court or collector of the juriſdiction may compute would have been chargeable on ſuch documents, if they had been written on ſtampt paper, and until he ſhall alſo have produced a receipt from the regiſter of the ſaid court, or the collector of the diſtrict or juriſdiction that ſuch penalty has been paid. The courts of judicature, and the collectors, are required to report to the Governor General in Council every inſtance which may come before them of copies of papers being ſo illegally made, taken, or atteſted, that the officer ſo offending may be proceeded againſt as above preſcribed.

Copies ſo made, not to be admitted in evidence or received until the party preſenting them ſhall have paid a fine of ten times the amount of the ſtamp duties.

Courts empowered to exempt paupers from the payment of the ſtamps in the two preceding ſections.

XIX. The ſudder dewanny adawlut, the provincial courts of appeal and the zillah and city courts, are empowered to diſpenſe with the ſtamp duties required to be paid by the two preceding ſections under rules and reſtrictions ſimilar to thoſe preſcribed in Regulation XLVI, 1793, regarding paupers who may be unable to plead their own cauſes, or to find the ſecurity therein required for the payment of the fees of the vakeels, and to order the ſtampt

paper

paper required for the tranſcripts or pleadings to be ſupplied without charge to the parties whom they may ſo exempt.

XX. *Firſt.* All copies of papers in whatever language the ſame may be written, which may be furniſhed to any perſon at his own application, or in conſequence of any regulation requiring him to take ſuch copies, by the board of revenue, or collectors of the revenue, or other revenue officer being a covenanted ſervant of the Company, regarding the public revenue, or any matters reſpecting the duties of their offices, ſhall be written on rolls or ſheets of ſtampt paper of a particular ſize and deſcription, for every roll or ſheet or part of a roll or ſheet, ſo ſtampt, which may be expended in making ſuch copy, the party to whom the ſame ſhall be furniſhed, ſhall pay at the reſpective rates of one rupee, or eight annas, or four annas, or two annas, according as may be ſpecified in the ſtamp affixed to the paper uſed.

All copies of papers furniſhed by the board of revenue, or the collectors, or revenue officers, to be written on ſtampt paper.

Rates of the ſtamp duties.

*Second.* The ſtamps to be uſed for the rolls or ſheets ſhall have reſpectively an inſcription to the following effect in the Perſian and Bengal languages and characters, and the Hindooſtanee language and Nageree characters:

Inſcription on the ſtamps.

| | |
|---|---|
| Copy of revenue papers | "one rupee." |
| or | "eight annas." |
| or | "four annas." |
| or | "two annas." |

*Third.* On the receipt of this regulation, the board of revenue are to ſubmit to the Governor General in Council, ſamples of the ſeveral ſizes and deſcriptions of paper on which they would recommend the copies of the ſeveral deſcriptions of revenue papers to be written, with their opinion as to the ſtamp which they would recommend to be affixed to each deſcription of paper, that the Govenor General in Council may determine on the ſize and deſcription of paper to which the ſeveral ſtamps ſhall be affixed, and that the ſuperintendent may be ordered to ſupply the ſame accordingly.

Board of revenu to furniſh the Governor General in Council with ſamples of the paper that he may determine on the ſame and the ſtamps to be affixed.

*Fourth.*

Board of revenue and the collectors to apply to the superintendent of the stamp office for paper.

*Fourth.* The collectors, and the board of revenue through their secretary, are to apply in writing to the superintendent of the stamp office for such quantity of paper as they may occasionally require, and are to account for the quantity expended, as often and under such rules, as may be prescribed to them.

Penalty for collectors or revenue officers furnishing copies of papers excepting on stampt paper.

*Fifth.* After the receipt of this regulation, and the requisite supply of paper in the first instance, if any collector, or any European or native officer, under the board of revenue or a collector, shall attest or furnish, or knowingly allow any person to attest, furnish, or take, a copy of any paper relating to any matter respecting his office, or the duties thereof, excepting on the prescribed stampt paper, the party so offending shall be liable to be dismissed from his office, and the transcript shall not be admitted as a true copy or otherwise received by any court of judicature, magistrate, board, collector, or any officer being a civil covenanted servant of the Company to whom the same may be presented in his official capacity, until the party exhibiting the same shall have paid a penalty of ten times the amount of the duties which the judge of the zillah or city court, or collector of the jurisdiction, may compute would have been chargeable on such documents if they had been written on stampt paper, and until he shall also have produced a receipt from the register of the said court or the collector of the district or jurisdiction, shewing that such penalty has been paid.

Copies so furnished not to be admitted in evidence or received, until the party exhibiting them shall have paid a penalty of ten times the amount of the duties.

+XXI. *First.* After the 31st December 1797, corresponding with the 19th Poose 1204 Bengal era; the 27th Poose 1205 Fussily; the 19th Poose 1205 Willaity; the 27th Poose 1854 Sumbut; and the 12th Rajub 1212 Higeree; all original bonds (tumassooks), promissory notes (teeps), or other written obligations, save and except bills of exchange (hoondees), for the payment of a sum of money exceeding fifty rupees of whatever currency, exclusive of any interest which may be stipulated to be paid thereon, shall be written on stampt paper, for which the following rates to be specified in the stamps shall be paid:

(excepting bills of exchange) to be written on the stampt paper herein specified.

If

Rates of the ſtamp duties.

If the obligation be for the payment of a ſum exceeding fifty rupees, but not above one hundred, "four annas."
If above a hundred, but not above one thouſand, "eight annas."
For any ſum above one thouſand, "one rupee."

Inſcription on the ſtamps.

*Second.* The reſpective ſtamps for the paper to be uſed in writing ſuch obligations, ſhall have an inſcription to the following effect, in the Perſian and Bengal languages and characters, and in the Hindooſtanee language and Nageree character:

Obligation for ſums above fifty rupees, and not above one hundred - - - "four annas."
Obligation for ſums above one hundred rupees, but not above a thouſand - - "eight annas."
Obligation for ſums above one thouſand "one rupee."

Penalty in caſes of ſuch obligations not being written on ſtampt paper.

*Third.* After the date abovementioned, any written obligation for the payment of a ſum of money exceeding fifty rupees of whatever currency, excluſive of any intereſt that may be due thereon, which ſhall be written on any other paper excepting ſtampt paper as above preſcribed, ſhall not be received or admitted in evidence or otherwiſe, in any court of judicature, nor by any civil covenanted ſervant of the Company to whom the ſame may be preſented in his official capacity, until the party preſenting it, ſhall have paid the penalty of ten times the amount of the ſtamp duty which would have been payable, had the obligation been written on ſtampt paper, and until he ſhall have produced a receipt from the regiſter of the zillah or city court, or the collector of the juriſdiction, ſhewing that ſuch penalty has been paid.

Board of revenue to procure from the collectors ſamples of the ſize and deſcription of paper, and to forward it to the Governor General in Council that he may de-

*Fourth.* On the receipt of this regulation, the board of revenue ſhall aſcertain from the collectors of the revenue the ſize and deſcription of paper, on which the different deſcriptions of obligations for the payment of money in their reſpective juriſdictions, are uſually written, and ſhall forward ſamples thereof to the Governor

termine thereon, and on the ſtamps to be affixed.

vernor General in Council that he may determine on the ſize and deſcription of paper to which the ſtamps ſhall be affixed.

Collectors to procure the ſtampt paper from the ſuperintendent.

*Fifth.* The collectors of the ſeveral zillahs ſhall apply to the ſuperintendent of the ſtamp office for the requiſite quantity of ſtampt paper for writing obligations in their reſpective zillahs, and the collectors of Behar proper, Dacca Jelalpore, Moorſhedabad and Benares reſpectively, ſhall apply for the quantity requiſite for the cities of Patna, Dacca, Moorſhedabad, and Benares, and ſhall account for the ſame in ſuch manner as may be preſcribed to them.

Collectors authorized to diſtribute ſtampt paper to perſons to diſpoſe of the ſame.

*Sixth.* That individuals may always be able to procure ſtampt paper for the purpoſe of preparing ſuch written obligations, the collectors ſhall tranſmit ſupplies thereof to the cauzies, tehſeeldars, native commiſſioners, authorized vakeels, or other officers, or to any perſons whom they may appoint to diſpoſe of the ſame, in the ſeveral pergunnahs, wards, or places in their reſpective juriſdictions, and the parties to whom they may ſo tranſmit ſuch paper, ſhall account for and pay to the collector fourteen annas in each rupee of the ſums which they may receive for ſuch paper, in ſuch manner as may be preſcribed to them, and ſhall appropriate the remaining two annas to their own uſe for their trouble, and on condition that they ſhall be reſponſible for any ſuch paper ſo tranſmitted to them, which may be deſtroyed, or damaged, or not forthcoming after they ſhall have received charge of it.

Two annas in each rupee of the amount of the duties to be allowed to the perſons diſpoſing of the paper on the conditions herein ſpecified.

Collectors may ſell any quantity of paper, at the rate of fourteen annas for each rupee.

*Seventh.* The collectors are alſo authorized to diſpoſe of any quantity of ſuch ſtampt paper to perſons who may be deſirous of purchaſing the ſame, on paying fourteen annas in each rupee of the amount of the preſcribed duties.

Stampt paper to be no evidence of the juſtneſs of any claim made under an inſtrument written upon it, or of the validity or authenti-

XXII. To obviate doubts, it is declared, that where a claim ſhall be made for a ſum of money, or other property, or any matter whatſoever, under a written obligation, or inſtrument, written on ſtampt paper, the circumſtance of the obligation or inſtrument being

ing written on ſuch paper, ſhall not be conſidered as any evidence of the validity or authenticity of the obligation or inſtrument, or of the juſtneſs of the claim, any more than if this regulation had never been enacted.

city of any inſtrument.

XXIII. *Firſt.* It is to be underſtood, that the pleadings ſpecified in Section XVII, and all original deeds or papers, or copies of deeds or papers, which may be prepared or atteſted by the cauzies or their officers, and all copies of papers that may be furniſhed by any of the courts of judicature, or the board of revenue, or the collectors, and which are directed in the preceding ſections to be written on ſtampt paper, are to be written as they have hitherto uſually been, both with regard to the ſize of the writing, the number of lines in each page, or ſpace, and all other matters reſpecting their engroſſment.

All writing on ſtampt paper to be engroſſed in the uſual manner, as to the ſize of the writing, number of lines, and all other matters.

*Second.* In order to prevent the objects of the rules in the preceding ſections relating to ſtamp duties, either as they relate to the preventing the introduction of ſuperfluous matter into the pleadings of parties in ſuits before the courts, or to the unneceſſary occupation of the time of the public officers, or to the augmentation of the public revenue, being defeated, by joining plain or other paper not ſtampt, to a roll or ſheet of ſtampt paper, ſo that the papers thus joined may contain more matter than could have been compriſed in the ſtampt paper only properly engroſſed; and with a view alſo to guard againſt all frauds and evaſions of the ſaid rules; it is declared, that if the matter to be inſerted in any deed, or other inſtrument, above directed to be written on ſtampt paper, cannot be compriſed in one ſheet or roll of paper properly engroſſed, the remaining matter muſt be written on one or more additional rolls or ſheets, ſo that the ſeveral rolls or ſheets of which the document may conſiſt, whether joined together with gum or otherwiſe, or ſeparate, may have the ſtamp thereon; and it is further declared that in the event of any document required to be written on ſtampt paper being exhibited, and each of the diſtinct pieces

Every diſtinct piece of paper, of which a document may conſiſt, whether the pieces be ſeparate, or joined by gum or otherwiſe, to have the ſtamp on it.

Penalty.

pieces of paper of which the ſame may conſiſt; whether joined as above ſpecified, or ſeparate, ſhall not have the ſtamp thereon, the officers and parties concerned in preparing, tranſcribing, or exhibiting the ſame, ſhall be liable to the ſame penalties as if no part of the document had been written on ſtampt paper.

Diſcretionary power veſted in the courts, of reducing the penalty to parties exhibiting documents not written on ſtampt paper, which are required to be written thereon.

*Third.* In all the caſes ſpecified in this regulation in which parties are declared to be liable to a penalty of ten times the amount of the ſtamp duties, for exhibiting before a court of judicature or a public officer, original inſtruments or papers, or copies thereof, not written on ſtampt paper, which are required to be written on ſuch paper, the courts of judicature are empowered to mitigate the penalty to the party exhibiting the ſame in inſtances in which from his circumſtances or the nature of the caſe, they ſhall deem it proper ſo to do, provided that the penalty be not reduced to leſs than double the amount of the ſtamp duties.

All cuſtom houſe rowannahs to be written on ſtampt paper.

XXIV. All rowannahs by which the tranſportation or carriage of any goods (ſalt and rice only excepted) may be permitted or authorized, to which the ſeal and ſignature of any of the collectors of the cuſtoms in the provinces of Bengal, Behar, Oriſſa, and Benares, or their officers, are or may be required to be affixed, ſhall be written on ſtampt paper, for which the party applying for the ſame ſhall pay at the following rates :

Rates of the ſtamp duties.

| | |
|---|---|
| If the value of the goods ſhall not exceed fifty rupees, - - - - - - | four annas. |
| If above fifty, and not above one hundred and fifty, - - - - - - | eight annas. |
| If above one hundred and fifty, and not above three hundred, - - - - - | one rupee. |
| If above three hundred, and not above a thouſand, - - - - - - | two rupees. |
| If above a thouſand, and not above five thouſand, - - - - - - | four rupees. |

If

If above five thousand, and not above ten thousand, ten rupees.
If above ten thousand rupees, - - twenty rupees.

*Second.* The stamps on the paper on which the rowannahs shall be written, shall have an inscription to the following effect, in the Persian and Bengal languages, and the Hindoostanee language and Nageree character:

Inscription on the stamps.

"Customs" "four annas" or the rates above specified according to the value of the goods.

*Third.* On the receipt of this regulation, the board of trade in their department of customs, are to transmit to the Governor General in Council, samples of the size and descriptions of the paper required for rowannahs, on the receipt of which, the Governor General in Council will determine on the size and description of paper to which the stamps shall be affixed, and the superintendent will be instructed to furnish the same accordingly. The board are to instruct the collectors of the customs to apply from time to time to the superintendent of the stamp office for the requisite supplies of stampt paper, for which they are to account according to such rules as may be prescribed to them.

Board of Trade to transmit to the Governor General in Council samples of the paper, that he may determine on the description to be used.

Collectors of the customs to apply to the superintendent of the stamp office for paper.

*Fourth.* After the receipt of this regulation and the requisite supply of stampt paper in the first instance, if any European or native officer in the department of customs shall affix his seal or signature, to any rowannah, which shall not be written on stampt paper as above prescribed, he shall be liable to be dismissed from his office on the fact being proved to the satisfaction of the board of trade, if the party so offending shall be a native officer, or to the satisfaction of the Governor General in Council, if he shall be a covenanted servant of the Company. It shall be the duty of all public officers to whom any rowannahs, not written on stampt paper as above prescribed shall be presented, to report the same to the board of trade for the information of the Governor General in Council, that the officer or officers may be proceeded against accordingly as above prescribed.

Penalty for officers furnishing rowannahs written on paper not stampt.

*Fifth*

Char-chittees not to be written on ſtampt paper.

*Fifth.* Exchanged rowannahs, and char-chittees or paſſes, are not required to be written on ſtampt paper.

Sunnuds to cauzies and authorized vakeels to be written on ſtampt paper.

Size and deſcription of the paper to be propoſed by the ſudder dewanny adawlut.

Rate of the ſtamp duties.

XXV. *Firſt.* The ſunnuds to all cauzies, and to all authorized vakeels in the ſeveral courts of judicature who may be hereafter appointed, ſhall be written on paper of a certain ſize and deſcription, which ſhall be propoſed by the ſudder dewanny adawlut, and fixed by the Governor General in Council, for which the party appointed ſhall pay twenty five rupees.

Inſcription on the ſtamps.

*Second.* The ſtamp on the paper ſhall be to the following effect in the Perſian language and character:

"Sunnud of the office of cauzy," - "twenty five rupees."

"Sunnud of the office of vakeel," - "twenty five rupees."

Sudder dewanny adawlut to apply to the ſuperintendent for paper.

Vakeels not to receive their ſunnuds nor to be allowed to act until the ſtamp duty be paid.

*Third.* The court of ſudder dewanny adawlut ſhall apply to the ſuperintendent of the ſtamp office for the requiſite number of ſtampt rolls or ſheets of paper for preparing the ſunnuds of the vakeels, and the courts to which the vakeels may be appointed, ſhall not deliver the ſunnuds to the vakeels, nor allow them to act, until the ſtamp duty ſhall be paid.

Head cauzy to apply to the ſuperintendent for paper for the ſunnuds of the cauzies.

Cauzies not to receive their ſunnuds, nor to be allowed to act, until the ſtamp duty be paid.

*Fourth.* The head cauzy is to apply in writing to the ſuperintendent of the ſtamp office for the requiſite number of ſtampt rolls or ſheets which he may require for preparing the ſunnuds of the cauzies ſubordinate to him, and the judges of the zillah or city in which ſuch cauzy may be ſtationed, ſhall not deliver the ſunnud to the perſon nominated, nor allow him to act, until the ſtamp duty be paid.

Courts to account for the ſtamp duties received from the cauzies and vakeels.

*Fifth.* The courts are to account for the ſums received from the cauzies and vakeels, according to ſuch rules as may be preſcribed to them.

Treaſury ſtamp to be affixed to

XXVI. *Firſt.* All paper which may be ſtampt by the ſuperintendent

intendent, to be furnished to the courts, boards, or officers, authorized to apply for it by this regulation, or any other regulation which may be hereafter enacted, shall, previous to its being issued by the superintendent, be sent by him to the sub-treasurer, who shall affix a stamp to each roll or sheet, as contiguous to the stamp of the stamp office, as may be practicable or convenient.

all stampt paper before it is issued by the superintendent.

*Second.* The treasury stamp shall have the word "treasury" inscribed on it in the English, Persian, Bengal, and Hindoostanee languages and characters.

Inscription on the treasury stamp.

*Third.* All stampt paper sent to the treasury to have the treasury stamp affixed to it, shall be accompanied by a letter from the superintendent, under his official signature, specifying the date on which it may be written, and the number of rolls or sheets of the prescribed size and description, bearing the different stamps, to which the treasury stamp is required to be affixed. The sub-treasurer shall superscribe the letter so received by him, with his official signature, as the authority to his officers for affixing the treasury stamp, and shall deposit it in his office, as a voucher to check the accounts of the superintendent.

Paper sent by the superintendent to the treasury, to be accompanied by a letter specifying the number of pieces to which each description of stamp is affixed.

XXVII. Five per cent shall be deducted from the amount of all fees which may be paid after the date of the receipt of this regulation in the several courts respectively, to the authorized vakeels in the courts of civil judicature, under the existing regulations, or any regulations which may be hereafter enacted.

Five per cent to be deducted from all fees hereafter paid to the authorized vakeels.

XXVIII. All the collections made under this regulation are to be carried to the account of Government, excepting such as are otherwise expressly appropriated.

Collections made under this regulation to be carried to the account of Government unless otherwise appropriated.

XXIX. It shall be the duty of the accountant general, to concert with the courts of judicature, and the boards of revenue and trade, the best mode of keeping the accounts of the collections made

Accountant general to concert with the courts and boards, the best mode of keeping the accounts of the

collections made under this regulation.

made under this regulation, ſo as to enſure the ſame being duly brought to account.

Perſons charged with forging ſtamps, or diſpoſing of or uſing forged paper liable to be tried criminally.

XXX. Perſons charged with forging the ſtamps, or diſpoſing of or uſing forged ſtampt paper, knowing the ſame to be forged, ſhall be liable to commitment and trial before the courts of circuit, and to ſuch puniſhment as the law may direct.

# A. D. 1797. REGULATION VII.

A REGULATION *for abolishing the office of commissioner at Backergunge, and establishing another court of dewanny adawlut in the districts at present comprised in the zillah of Dacca Jelalpore; and for reserving to the Governor General in Council the power of increasing the rates of the duty on stills, specified in Section* VI, *Regulation* XXXIV, 1793, *in the provinces of Bengal, Behar, Orissa, and Benares.*—PASSED *by the Vice President in Council, on the* 17*th April* 1797; *corresponding with the* 7*th Bysaak* 1204 *Bengal era; the* 6*th Bysaak* 1204 *Fussily; the* 7*th Bysaak* 1204 *Willaity; the* 6*th Bysaak* 1854 *Sumbut; and the* 19*th Showaul* 1211 *Higeree.*

TO accelerate the decision of civil suits in the districts now comprised in the zillah of Dacca Jelalpore, which from the great extent of the zillah, have been found too numerous for one court to determine with sufficient expedition, and to provide for the

the more effectual administration of justice in the Sunderbunds, and the districts adjacent, heretofore included in the jurisdiction of the commissioner at Backergunge, who was invested with the powers of magistrate, but was not authorized to exercise any civil jurisdiction; and for the better regulating the duty on stills for the manufacture of spirituous liquors in the four provinces, in instances in which the rates specified in Section VI, Regulation XXXIV, 1793, may be found disproportioned or otherwise objectionable; the following rules have been enacted.

Backergunge commission abolished, and an additional court established in the districts at present comprised in Dacca Jelalpore.

II. The office of commissioner at Backergunge is hereby abolished, and the districts at present comprised in the zillah of Dacca Jelalpore, including the Sunderbunds, shall be formed into two zillahs, the northern division to be denominated the zillah of Dacca Jelalpore, and the southern division, the zillah of Backergunge. The boundaries of the two zillahs shall be determined by the Governor General in Council. A dewanny adawlut superintended by one judge shall be established in each zillah, with the same powers as the other courts of dewanny adawlut. The judge of each court shall likewise be vested with the office of magistrate, with the same powers as the magistrates of other zillahs. The court so established for the northern division, shall be denominated "The court of dewanny adawlut for the zillah of Dacca Jelalpore;" and the court for the southern division, "The court of dewanny adawlut for the division of Backergunge." The half yearly jail deliveries for the zillah of Backergunge, shall be held at Backergunge by the court of circuit for the division of Dacca, in the same manner as they have been heretofore held under the regulations, whilst the powers of magistrate were exercised by the commissioner at Backergunge.

Half yearly jail deliveries how to be held for Backergunge.

Station of the Dacca Jelalpore court to be removed, and rule respecting the half yearly jail deliveries.

III. The Governor General in Council will at his discretion remove the station of the court of Dacca Jelalpore from the city of Dacca to some more centrical situation, to be hereafter determined, and the court of circuit for the division of Dacca shall hold the

the half yearly jail deliveries at ſuch ſtation when the court ſhall be removed thereto during the half yearly circuit, and the rule contained in Section IV, Regulation III, 1797, requiring them to proceed to the ſtation of Dacca Jelalpore immediately after their return to their ſudder ſtation, is hereby delared to be reſcinded, as ſoon as ſuch removal ſhall have taken place.

Governor General in Council will increaſe or modify the duty on ſtills, ſpecified in Section VI, of Regulation XXXIV, 1793.

Modified 1800. 6. 21

IV. The Governor General in Council reſerves to himſelf the power of increaſing or modifying the rates of the duty on ſtills, ſpecified in Section VI, of Regulation XXXIV, 1793, in the four provinces of Bengal, Behar, Oriſſa, and Benares, and the board of revenue, whenever an increaſe or modification of thoſe rates may appear to them adviſable, are to ſubmit their propoſitions for the neceſſary alteration to the Governor General in Council, who will determine thereon. But in all caſes in which an increaſe in the eſtabliſhed rates may be ſanctioned, the collectors ſhall tranſmit an atteſted ſtatement of the new rates to the judge of the zillah or city court within the juriſdiction of which they may be leviable, and until ſuch ſtatement ſhall be furniſhed, the levying of the new rates is to be held unauthorized. The judge is to fix up a copy of the ſtatement in his cutcherry for general information. The foregoing rule ſhall not be conſidered as reſtricting the board of revenue in the exerciſe of the powers veſted in them by Clauſe Second of the ſection abovementioned.

Clauſe Second of that ſection not altered thereby.

# A. D. 1797. REGULATION VIII.

A REGULATION *for rendering prosecutions instituted for the recovery of losses sustained by theft and robbery in the province of Benares, cognizable in the courts of civil judicature; and for ascertaining the responsibility in such cases of tehseeldars of places held khaum in the said province; and for transferring the nomination of the pleaders for government in the several courts of judicature, from the sudder dewanny adawlut, to the Governor General in Council.*—PASSED *by the Governor General in Council, on the 26th May 1797; corresponding with the 15th Jeyte 1204 Bengal era; the 16th Jeyte 1204 Fussily; the 15th Jeyte 1204 Willaity; the 16th Jeyte 1854 Sumbut; and the 28th Zekaad 1211 Higeree.*

PROSECUTIONS instituted under Regulation XVII, 1795, against tehseeldars or aumils to recover losses sustained by theft and robbery, and by tehseeldars against the landholders and farmers for indemnification, having been held to be cognizable in the magistrate's court; and it being judged expedient that such prosecutions

prosecutions should in future be filed and decided in the courts of civil jurisdiction; and doubts having arisen whether tehseeldars of places held khaum are to be held answerable for losses by robbery and theft; and whereas by Section XXIII, Regulation VII, 1793, the nomination of the pleaders for government in the several courts of judicature in the four provinces, is vested in the sudder dewanny adawlut; and it being consistent with the principles of the regulations, that these pleaders should be nominated by the Governor General in Council, as exercising the executive authority, in the same manner as other parties in suits appoint their pleaders; the following rules have been enacted, and are to be in force from the date of the receipt of this regulation in the respective courts.

All prosecutions against tehseeldars, and by tehseeldars against landholders, and farmers, under Section III, Regulation XVII, 1795, declared cognizable in the dewanny courts.

II. All prosecutions instituted against tehseeldars or aumils under Section III, Regulation XVII, 1795, to recover losses sustained by theft and robbery in the province of Benares, and all prosecutions by tehseeldars and farmers for indemnification when they have been made answerable in the first instance, shall be filed and decided in the dewanny courts, subject to all the rules provided by the existing regulations for other civil suits cognizable in the said courts.

Tehseeldars of places held khaum, equally answerable for losses sustained by theft and robbery with other tehseeldars.

III. That doubts may no longer be entertained whether tehseeldars of places held khaum, shall be made answerable under the rules and restrictions contained in Section III, Regulation XVII, 1795, for losses sustained by theft and robbery in the province of Benares, it is hereby declared that such tehseeldars shall be held responsible equally with all other tehseeldars.

Governor General in Council to appoint the vakeels of government from amongst the authorized vakeels.

IV. The pleaders for Government in the several courts of judicature in the four provinces, directed to be selected from the authorized vakeels in the respective courts, shall in future be appointed by the Governor General in Council, instead of the sudder dewanny adawlut, as prescribed by Section XXIII, Regulation VII, 1793.

V.

V. Section XXV, Regulation VII, 1793, is hereby rescinded; and on the receipt of this regulation the court of sudder dewanny adawlut, shall withdraw the sunnuds issued by them under that section from the vakeels now acting under those sunnuds, and shall grant to them sunnuds as authorized vakeels of the courts to which they are respectively attached; and the said vakeels, and all other vakeels who may be hereafter appointed to act in the several courts on behalf of government, shall be furnished with a written authority for that purpose in the English and Persian languages, attested by the Secretary to the Government.

Vakeels of government to be furnished with a written authority.

# A. D. 1797. REGULATION IX.

A REGULATION *for impoſing an additional duty of fifteen per cent on foreign indigo imported into the Company's provinces, by the way of Benares or Behar.*— PASSED *by the Governor General in Council, on the* 11*th Auguſt* 1797*; correſponding with the* 29*th Sawun* 1204 *Bengal era; the* 4*th Bhadoon* 1204 *Fuſſily; the* 29*th Sawun* 1204 *Willaity; the* 4*th Bhadoon* 1854 *Sumbut; and the* 17*th Suffer* 1212 *Higeree.*

THE ſales of the indigo manufactured in the Company's provinces, having been greatly injured by the large quantities of indigo the produce of Oude, and other foreign countries to the weſtward imported into England; the Governor General in Council, with a view to diſcourage ſuch importations of foreign indigo in future, and thereby to protect and encourage the manufacture generally in the Company's provinces, has enacted the following rules.

II. A duty of fifteen per cent, in addition to the duties already eſtabliſhed, ſhall be levied on all Indigo, the produce or manufacture of the Vizier's or any foreign country, which may be imported into the Company's provinces by the way of Benares or Behar on or after the 1ſt March 1798.

Additional duty of fifteen per cent impoſed on foreign indigo imported into the provinces by the route of Benares or Behar.

III.

Proportions of the duty to be levied in Benares and Behar respectively, if the indigo is imported through the former province.

III. If the ſaid indigo ſhall be imported by the route of the province of Benares, one half of the amount of the additional duty, or ſeven and a half per cent, ſhall be paid at the cuſtom-houſe ſtation in the province of Benares, at which the exiſting duty payable in that province, may be leviable, and the other half at Manjee, on the importation of the indigo into the province of Behar.

The whole of the additional duty to be levied in Behar, if imported directly into that province.

IV. If the ſaid indigo ſhall not paſs through the province of Benares, but ſhall be imported directly into the province of Behar, the whole of the additional duty of fifteen per cent ſhall be paid at the cuſtom-houſe at Manjee, in addition to the exiſting duty leviable at that place.

Foreign indigo attempted to be exported from Benares, or imported into Behar as the produce or manufacture of any part of the Company's territories liable to confiscation.

V. If any of the ſaid indigo ſhall be imported into Benares, and ſhall afterwards be exported or attempted to be exported from thence as the produce or manufacture of that province, or any other part of the Company's dominions, or if any ſuch foreign indigo ſhall be imported, or attempted to be imported directly into the province of Behar, as the produce or manufacture of Benares, or any part of the Company's provinces, the ſame ſhall be liable to ſeizure and confiſcation.

Whole of the duty on indigo imported into Benares to be conſidered as due on its importation.

Importer to execute a bond to diſcharge the moiety of the duty payable at Manjee.

VI. The whole of the additional duty of fifteen per cent on foreign indigo imported by the way of Benares, ſhall be conſidered as due to Government on its importation into that province, although only one half of the amount is to be paid therein; and the importer is to execute a bond to the collector of the cuſtoms to diſcharge the remaining half at Manjee on the importation of the indigo into Behar, which bond ſhall be tranſmitted by him to the collector of the cuſtoms at Manjee. If the indigo ſhall not be imported into Behar within ſix months after the date of the bond, the perſon executing the ſame ſhall cauſe the amount of the bond to be paid to the collector of Manjee, within the ſaid ſix months; and in the event of his omitting to cauſe the amount to be ſo diſcharged, he ſhall be liable to the payment of double the amount of it, or fifteen per

The bond to be diſcharged in ſix months, if the indigo be not imported into Behar within that period.

per cent at Manjee, in addition to the ſeven and a half per cent paid in Benares, and the indigo wherever it may be found, or any other merchandiſe belonging to the importer, ſhall be liable to attachment and ſale to make good the amount.

VII. The collectors of the cuſtoms in Benares, and at Manjee are to forward to each other monthly, or as often as the Board of Trade may direct, ſtatements of the foreign indigo imported, and are carefully to compare the imports at their reſpective cuſtom houſes, in order to detect any attempts that may be made to evade the payment of the whole or any part of the duties impoſed thereon.

Collectors of the cuſtoms in Benares and Manjee to furniſh each other with ſtatements of the foreign indigo imported into their reſpective juriſdictions.

BENGAL SECRETARIAT LIBRARY

# A. D. 1797. REGULATION X.

A REGULATION *for requiring all licenſes for the manufacture, or vend of ſpirituous liquors, or intoxicating drugs in the provinces of Bengal, Behar, Oriſſa, and Benares, and alſo certain complaints puniſhable by the magiſtrates in the three provinces of Bengal, Behar, and Oriſſa, to be written on ſtampt paper; and for exempting in the four provinces, perſons taking out rowannahs for goods not exceeding in value ten rupees, and alſo perſons to whom maafy rowannahs may be granted, from the payment of the ſtamp duties.*—PASSED *by the Governor General in Council, on the* 11*th Auguſt,* 1797; *correſponding with the* 29*th Sawun* 1204 *Bengal era; the* 4*th Bhadoon* 1204 *Fuſſily; the* 29*th Sawun* 1204 *Willaity; the* 4*th Bhadoon* 1854 *Sumbut; and the* 17*th Suffer* 1212 *Higeree.*

THE Governor General in Council having reſolved, with a view to the improvement of the public reſources, that all licenſes for the manufacture or ſale of ſpirituous liquors, or drugs, in the four provinces ſhall be written on ſtampt paper; and having alſo deemed it adviſable that certain complaints puniſhable by the magiſtrates,

magiſtrates, ſhould likewiſe be required to be written on ſtampt paper, in order to diſcourage the numerous petty complaints preferred, or brought before the magiſtrates, from litigious or other improper motives, the enquiry into which, not only occupies a great proportion of their time, but is often the occaſion of conſiderable expence and vexation to the parties complained againſt; and it having been judged proper in order to prevent the ſtamp duty operating as a burden on petty traders, that perſons taking out rowannahs for goods not exceeding in value ten rupees, ſhould be exempt from the payment of the ſtamp duty; and doubts having ariſen whether perſons obtaining rowannahs for goods to be paſſed free of cuſtoms ſhould be charged with the ſtamp duties; and whereas the requiring the courts of judicature to obſerve all the rules preſcribed in Regulation XLVI, 1793, previous to remitting to paupers the ſtamp duties on the paper on which miſcellaneous petitions and applications, and the orders thereon are required to be written by Clauſe Ninth, Section XVII, and by Section XVIII, Regulation VI, 1797, would occaſion unneceſſary trouble to the courts, and vexation to the parties; the following rules have been enacted.

Licenſes for the manufacture or vend of liquors or drugs to be written on ſtampt paper.

II. All licenſes for the manufacture or vend of ſpirituous liquors, or intoxicating drugs, which may be granted in the four provinces, ſhall be written on ſtampt paper, of ſuch ſize and dimenſions as the board of revenue, with the ſanction of the Governor General in Council, may determine; and the perſons taking out ſuch licenſes, ſhall pay according to the following rates for the ſame, in addition to the eſtabliſhed tax on the articles which they may be thereby authorized to manufacture or vend:

Rates of the ſtamp duties.

| | | | | | | |
|---|---|---|---|---|---|---|
| 1ſt claſs— | on ſtills paying | 5 | | rupees per diem, | rupees - | 50 |
| 2d ditto | ditto | 4 | 0 | ditto | - - | 40 |
| 3d ditto | ditto | 2 | 8 | ditto | - - | 25 |
| 4th ditto | ditto | 1 | 4 | ditto | - - | 15 |
| 5th ditto | ditto | 0 | 12 | ditto | - - | 10 |
| 6th ditto | ditto | 0 | 6 | ditto | - - | 5 |

III.

III. The ſtamps ſhall have the following inſcription on them, in the Perſian and Bengal languages and characters, and the Hindooſtanee language and Nageree character:

Inſcription on the ſtamps.

"ABKARRY LICENSES."

IV. The collectors ſhall apply to the ſuperintendent of the ſtamp office, for ſuch quantity of ſtampt paper as they may occaſionally require for the ſaid licenſes, and ſhall account for the quantity expended as often and in ſuch manner as may be preſcribed to them.

Collectors to apply to the ſuperintendent of the ſtamp office for paper, accounting for the ſame.

V. If any collector after having been furniſhed with the requiſite ſupply of ſtampt paper in the firſt inſtance, ſhall iſſue, or permit to be iſſued, any licenſes for the manufacture or vend of any intoxicating liquors or drugs, excepting on ſuch ſtampt paper, he ſhall be liable to diſmiſſion from his office, and the perſon ſo manufacturing or vending ſuch liquors or drugs without ſuch licenſe, written on ſtampt paper, ſhall be liable to all the penalties of perſons manufacturing or vending ſpirituous liquors or intoxicating drugs without a licenſe.

Penalty for collectors iſſuing licenſes not written on ſtampt paper;

and for perſons vending or making liquors or drugs without licenſes written on ſtampt paper.

VI. All complaints of which the magiſtrates in the provinces of Bengal, Behar, and Oriſſa, are empowered to take cognizance under Section VIII, Regulation IX, 1793, when preferred directly to the magiſtrate, or brought before him under Section XII, Regulation XXII, or XXXI, 1793, by the darogahs or cutwals, ſhall be written on ſtampt paper of ſuch deſcription and dimenſions, as the Governor General in Council, on adviſing with the nizamut adawlut ſhall direct, for which the parties preferring ſuch complaints ſhall pay at the rate of eight annas for each roll or ſheet or part of a roll or ſheet of ſtampt paper, which may be uſed in drawing out ſuch complaint; and the magiſtrate ſhall not hear any ſuch complaint which may be ſo preferred, or brought before him, if the ſame be not written on ſtampt paper.

What complaints puniſhable by the magiſtrate are to be written on ſtampt paper.

VII.

Inſcription on the ſtamp.

VII. The ſtamp ſhall have an inſcription to the following effect—"Complaints puniſhable by the magiſtrate."

Complaints preferred to the cutwals or darogahs not to be written on ſtampt paper unleſs afterwards brought before the magiſtrate.

VIII. To prevent miſconſtruction, it is declared, that complaints of the ſaid deſcription when preferred in the firſt inſtance to the cutwals or the darogahs of police, are not required to be written on ſtampt paper. When ſuch complaints however are not adjuſted and withdrawn by the mutual conſent of the parties, under the rules preſcribed in Regulation XXII, 1793, but are brought before the magiſtrate, they are then to be drawn out on ſtampt paper as above directed.

Magiſtrates empowered to remit the ſtamp duty in caſes in which the parties may be unable to pay them from poverty.

IX. The magiſtrates are veſted with a diſcretionary power to remit the ſtamp duty in all caſes in which from the poverty of the parties they may appear to them unable to diſcharge it. The complaint however is nevertheleſs to be written on ſtampt paper.

Magiſtrate may cauſe the ſtamp duty to be made good to the complainant by the party accuſed.

X. The magiſtrate may cauſe the party complained againſt to refund to the complainant the amount of the ſtamp duties paid by him in all caſes in which he may judge it proper.

Magiſtrates to apply to the ſupe intendent of the ſtamp office for ſtampt paper, and to account for the ſame.

+ XI. The magiſtrates of the zillahs and cities in the ſaid three provinces, ſhall apply to the ſuperintendent of the ſtamp office, for ſuch quantity of ſtampt paper as they may occaſionally require for drawing up the complaints ſpecified in Section VI, and ſhall account for the quantity expended as often, and in ſuch manner as may be preſcribed to them.

Rescinded by R. XIII. Reg. II. 1800.

Rules in Regulation VI, 1797, applicable to the ſtamp duties eſtabliſhed by this regulation.

XII. The rules contained in Sections XIV, and XV, Clauſes Firſt and Second, Sections XXIII, XXVI, XXVIII, XXIX, and XXX, of Regulation VI, 1797, are to be held equally applicable to the ſtampt paper, to be iſſued under this regulation.

Stamp, duties on miſcellaneous petitions and applications, and

XIII. In caſes in which it may appear to the ſudder dewanny adawlut, or to any provincial court of appeal, or zillah or city court,

court, that parties preſenting miſcellaneous petitions and applications are unable from poverty to pay the ſtamp duty charged on the paper on which they are required to be written by Clauſe Ninth, Section XVII, of the ſaid regulation, or on the paper on which copies of the orders on ſuch petitions or applications may be written, under Section XVIII, of that regulation, the ſaid courts reſpectively are empowered to remit ſuch duties without obſerving the rules and reſtrictions preſcribed in Regulation XLVI, 1793, as required by Section XIX, of Regulation VI, 1797, in like manner as they are empowered to remit the fees on any exhibits accompanying ſuch petitions or applications by Section X, of the ſaid regulation.

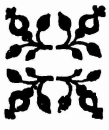
on the paper on which orders thereon may be written, may be remitted by the courts of judicature to perſons who may appear to them unable to pay it from poverty, without obſerving the rules in Regulation XLVI, 1793, as preſcribed in Section XIX, Regulation VI, 1797.

XIV. Rowannahs for goods not exceeding ten rupees in value, ſhall be iſſued on ſtampt paper, as directed in Regulation VI, 1797, but the parties taking them out ſhall be exempted from the payment of the ſtamp duty; and the collector is to account for all ſuch exemptions, in ſuch manner as may be preſcribed to him.

Rowannahs for goods not exceeding ten rupees in value, to be written on ſtampt paper, but the parties taking them out to be exempt from the payment of the ſtamp duty.

XV. Maafy rowannahs are to be written on ſtampt paper, but the parties in whoſe favor they may be granted, are to be exempted from the payment of the ſtamp duty thereon.

Perſons obtaining maafy rowannahs to be exempted from the ſtamp duties.



# A. D. 1797. REGULATION XI.

A REGULATION *for amending the form of bond to be executed by British subjects or others not amenable to the zillah and city civil courts, on their instituting suits in such courts; and for prescribing a form of bond to be executed by the sureties of defendants in the above courts.*—PASSED *by the Governor General in Council on the* 13*th October* 1797; *corresponding with the* 30*th Assin* 1204 *Bengal era; the* 8*th Kautick* 1205 *Fussily; the* 30*th Assin* 1205 *Willaity; the* 8*th Kautick* 1854 *Sumbut; and the* 21*st Rubbee us Sanee* 1212 *Higeree.*

THE form of bond prescribed by Section VII, of Regulation XXVIII, 1793, having been found defective, and no form having been yet prescribed for the security bonds for the appearance of defendants, required by Section V, of Regulation IV, 1793, the Governor General in Council, with a view to supply this defect and omission, has passed the following rules to be considered in force in the provinces of Bengal, Behar, Orissa and Benares, from the date of the receipt of this regulation by the several courts respectively.

II.

Form of bond substituted for that prescribed by Section VII, of Regulation XXVIII, 1793.

II. Instead of the form of bond prescribed by Section VII, of Regulation XXVIII, 1793, the following instrument is to be hereafter executed by the plaintiffs therein referred to; viz. British subjects or other persons not amenable to the jurisdiction of the zillah and city civil courts.

KNOW ALL MEN by these presents, that I of but now residing at in the zillah of (or in the city of ) in the province of am held and firmly bound unto judge of the dewanny adawlut of the said zillah (or city) in the sum of to be paid to the said his executors, administrators or assigns; for which payment well and truly to be made, I do hereby bind myself, my heirs, executors, and administrators, firmly by these presents. Sealed with my seal, and dated this day of in the year of Christ.

WHEREAS the above bounden hath on the date hereof commenced an action, cause or suit in the said dewanny adawlut, before the said against

NOW THE CONDITION of this obligation is such, that if the said his heirs, executors, and administrators, and every of them do and shall on his and their parts and behalves in all things well and truly stand to, obey, abide, observe, perform and fulfil all such judgment and judgments, order and orders, decree and decrees, as shall or may be at any time given in the said action, cause or suit in the said court of dewanny adawlut at , or by the provincial court of appeal, or court of sudder dewanny adawlut, then this obligation to be void, or else to remain in full force and virtue.

*Sealed and delivered (where no stamps are in use or to be had) in the presence of*

III. *First.*

III. *First.* The following form of ſecurity bond, or an inſtrument to the following effect, is to be hereafter executed by the ſureties for the appearance of defendants in the zillah and city courts required by Section V, of Regulation IV, 1793.

Form of ſecurity bond to be executed by the ſureties for defendants required by Section V, of Regulation IV, 1793.

WHEREAS a ſuit has been inſtituted in the dewanny adawlut of the zillah (or city) of by plaintiff againſt defendant; and whereas I inhabitant of have voluntarily become ſecurity for the appearance of the ſaid defendant to anſwer to the above ſuit, and perform all ſuch orders as may be paſſed thereupon, until the final decree on it ſhall have been carried into execution; I do therefore hereby engage and bind myſelf, my heirs and ſucceſſors, that the ſaid defendant ſhall appear in perſon, or by vakeel, to make anſwer to the plaint againſt him in the ſuit aforeſaid on the , being the day on which his appearance has been required in the ſaid zillah (or city) court; and further that the ſaid defendant ſhall perſonally attend at the ſaid zillah (or city) court whenever the ſame may be required by the judge thereof, at any time whilſt the above ſuit is depending before the zillah court, or provincial court of appeal, or court of ſudder dewanny adawlut; or before the final decree which may be paſſed thereupon by the above courts reſpectively, ſhall be fully and completely carried into execution; in default of which and in the event of my not producing the ſaid defendant when called upon, I will be anſwerable for ſuch ſum as may be adjudged againſt him; and for the performance of whatever order or decree may be paſſed againſt him on the ſuit abovementioned.

*Second.* Nothing however contained in this ſection ſhall be conſidered as ſuperſeding the exception made in favor of the perſons ſpecified in Section X, Regulation VIII, 1795.

# A. D. 1797. REGULATION XII.

A REGULATION *for the further limitation of appeals to the court of ſudder dewanny adawlut in ſuits for perſonal property; and for altering and explaining part of the exiſting rules for appeals to that court; and to the provincial courts of appeal.*—PASSED *by the Governor General in Council, on the 27th October 1797; correſponding with the 13th Cautick 1204 Bengal era; the 22d Cautick 1205 Fuſſily; the 13th Cautick 1205 Willaity; the 22d Cautick 1854 Sumbut; and the 6th Jemaud-ul-Awal 1212 Higeree.*

THE appeal allowed by Section X, of Regulation VI, 1793, to the court of ſudder dewanny adawlut from the decrees of the provincial courts of appeal for money or other perſonal property exceeding a thouſand ſicca rupees, having been found to occupy too much of the time of the ſudder dewanny adawlut upon ſuits of ſmall amount; and to have thereby prevented their deciſion upon ſuits of greater magnitude, and the option given by the above regulation to appellants, to prefer their peti-

tions

tions of appeal to the ſudder dewanny adawlut, or to the provincial court in which the decree appealed againſt may have been paſſed, having been found productive of much occaſional delay in the admiſſion of appeals, from the neceſſity of frequent references for information to the provincial courts, in caſes wherein the petition of appeal has been preſented in the firſt inſtance to the ſudder dewanny adawlut; to obviate theſe inconveniences; and further to explain certain parts of the abovementioned ſection of Regulation VI, 1793, as well as a correſponding ſection in Regulation V, 1793; the Governor General in Council has enacted the following rules, to be conſidered in force in the provinces of Bengal, Behar, Oriſſa and Benares, from the 1ſt January 1798, correſponding with the 20th Pooſe 1204 Bengal era; the 28th Pooſe 1205 Fuſſily; the 20th Pooſe 1205 Willaity; the 28th Pooſe 1854 Sumbut; and the 13th Shaher Rejeb 1212 Higeree.

Part of Section X, of Regulation VI, 1793, rescinded.

Decrees of provincial courts for money, or perſonal property not exceeding five thouſand ſicca rupees declared final.

II. Such part of Section X, of Regulation VI, 1793, as allows an appeal to the court of ſudder dewanny adawlut from decrees paſſed by the provincial courts of appeal for money or other perſonal property not exceeding 1000 ſicca rupees is hereby reſcinded; and in future the decrees of the ſeveral provincial courts of appeal for money or perſonal property not exceeding in amount or value the ſum of five thouſand ſicca rupees ſhall be held final. That no doubt may ariſe whether a ſuit is to be conſidered appealable, in which the original cauſe of action may have exceeded five thouſand ſicca rupees, and the decree of the provincial court be for a ſum not exceeding that amount; viz. either adjudging a ſum not exceeding five thouſand ſicca rupees againſt the party deſiring to appeal; or diſallowing his claim to that amount only; it is declared that ſuch caſes are not appealable; the amount adjudged againſt the party deſiring to appeal, or the amount of his claim diſallowed by the decree from which he may deſire to appeal, being the ſtandard for determining his right to appeal, under the limitations preſcribed by this regulation, as well as by all former regulations relative to appeals, whether to the ſudder

Construction to be put on this regulation in caſes wherein the cauſe of action may have exceeded five thouſand ſicca rupees.

Standard for determining right to appeal under this and former regulations relative to appeals.

der dewanny adawlut from the decrees of the provincial courts of appeal, or to the provincial courts from the decisions of the zillah and city courts; or to the judges of these courts from the decisions passed by their registers under the powers vested in them by Regulation VIII, 1794.

Option given to appellants by Section X, of Regulation VI, 1793, revoked.

Appellants to the sudder dewanny adawlut to present their petitions of appeal in the first instance to the provincial court in which the decree appealed from may have been passed.

Explanation of Section X, Regulation VI, 1793, respecting securities required from appellants.

✝ III. The option given by Section X, of Regulation VI, 1793, to persons desirous of appealing to the sudder dewanny adawlut, either to present their petitions of appeal to the court in which the decree appealed against may have been passed, or to the sudder dewanny adawlut, is hereby revoked, and all persons desirous of appealing to the above court are required to present their petition of appeal in the first instance to the provincial court wherein the decree appealed against may have been passed; which court will proceed thereupon as directed by the above regulation; observing that, in the section referred to, the securities required previous to the admission of an appeal are not meant to extend to the security required by the same section for staying the execution of the decree appealed against; as from the expression "securities" has in some instances been supposed; whereas the only security required by the above regulation for the admission of an appeal is for the eventual costs of the appeal, (exclusive of vakeel's fees for which separate security is required by Section IX, of Regulation VII, 1793;) and the performance of the decree which may be passed upon it; under a provision that the security so to be taken, be not in any case for a greater sum than five hundred sicca rupees. The written notice to appellants directed in the latter part of the abovementioned section of Regulation VI, 1793, "that within fifteen days the proceedings held in the cause appealed will be certified to the sudder dewanny adawlut, and that if the appellant shall not proceed in the appeal within six weeks after it may be filed in that court the appeal will be dismissed, unless he shall shew reasonable cause to the satisfaction of the court for not having proceeded in it," having been understood to apply to the filing of the proceedings of the appealed cause, instead of the petition of appeal; it is further to be

✝ with Respect to this & follow Section see Sect.n XII. Re. II. 1805

Explanation respecting notice to appellants directed by the above section.

be obſerved, that the notice in queſtion was meant to apply to the filing of the petition of appeal; and is to be ſo expreſſed in all future notifications to appellants under the regulation referred to, with a ſpecification of the date on which the petition of appeal may be tranſmitted to the ſudder dewanny adawlut. In the event of the petition for an appeal to the ſudder dewanny adawlut being rejected, on whatever ground, by a provincial court, ſuch court ſhall, on the court day next enſuing, or as ſoon afterwards as may be practicable, cauſe the appellant to be furniſhed with a copy of their order for rejecting the appeal; and the appellant ſhall be ſtill at liberty to preſent his petition of appeal to the ſudder dewanny adawlut in the mode, and under the reſtrictions preſcribed by Section X, of Regulation VI, 1793; provided that ſuch petition ſet forth the previous application made to the provincial court; and the rejection of the appeal by that court; and be accompanied by a copy of the order of rejection, or by a declaration that ſuch copy was applied for ten days after the ſame was paſſed and not obtained.

Provincial courts on rejecting a petition of appeal to the ſudder dewanny adawlut to furniſh appellant with a copy of their order for ſuch rejection.

And appellant at liberty to preſent his petition of appeal to the ſudder dewanny adawlut under reſtrictions preſcribed by Section X, of Regulation VI, 1793, and this regulation.

IV. The proviſions and explanations contained in the foregoing third ſection of this regulation, are to be conſidered equally applicable, in their purport and effect, to Section XII, of Regulation V, 1793; relative to appeals to the provincial courts: which are to be hereafter preferred in the firſt inſtance to the zillah or city court in which the decree appealed againſt may have been paſſed; with liberty to the appellant whoſe appeal may be rejected, to preſent a ſecond petition of appeal to the provincial court under the reſtriction above ſtated in reſpect to appeals to the ſudder dewanny adawlut.

Proviſions and explanations in Section III, of this regulation, to be applied in ſubſtance to Section XII, of Regulation V, 1793.

# A. D. 1797. REGULATION XIII.

A REGULATION *for the occasional exercise of judicial powers by the assistants to the zillah and city magistrates, in the provinces of Bengal, Behar, Orissa and Benares.* PASSED *by the Governor General in Council, on the 27th October 1797; corresponding with the 13th Cautick 1204 Bengal era; the 22d Cautick 1205 Fussily; the 13th Cautick 1205 Willaity; the 22d Cautick 1854 Sumbut; and the 6th Jemaud-ul-Awal, 1212 Higeree.*

BY Section VII, of Regulation XIII, 1793, and Section VI, of Regulation IV, 1796, the registers and assistants to the zillah and city courts, civil and criminal, are required to perform all such ministerial acts as may be prescribed to them by the judges and magistrates, consistently with the regulations; but are restricted from the exercise of judicial powers civil or criminal, except in cases wherein they may be expressly authorized to exercise such powers by some regulation passed on, or subsequent to, the 1st May 1793; and printed and published in the manner directed in Regulation XLI, 1793. Regulations so passed and published have accordingly determined the judicial powers to be exercised

# A. D. 1797. REGULATION XIV.

A REGULATION *for empowering the court of nizamut adawlut to extend relief to certain prisoners sentenced to deyut and pecuniary fines, or to restore stolen property or the value of it, and to remain in confinement until the completion of their sentences; also for preventing sentences of the same nature in future; and for drawing the distinction between the courts of civil and criminal jurisdiction more clearly and obviously.*—PASSED *by the Governor General in Council, on the* 10*th November* 1797; *corresponding with the* 27*th Cautick* 1204 *Bengal era; the* 6*th Aughun* 1205 *Fussily; the* 27*th Cautick* 1205 *Willaity; the* 6*th Aughun* 1854 *Sumbut; and the* 20*th Jemaud-ul-Awul* 1212 *Higeree.*

WHEREAS several persons convicted of crimes and misdemeanors have been sentenced by the late Naib Nazim, the late criminal courts in the province of Benares, and the former and present

present courts of circuit within the provinces of Bengal, Behar, Orissa and Benares, to the payment of deyut; to restore stolen property or the value of it; to pecuniary compensation and damages to their prosecutors, and fines to Government, and to remain in confinement until the completion of such sentences; and in many of these cases, the sentences, from the inability of the prisoners to comply with the terms of them, must, if left to take their course, unavoidably operate as sentences of imprisonment for life, or for a period greatly out of proportion to the offences committed, and much beyond the probable intention of the courts by which they were passed; and no mode for the relief of prisoners in this predicament is provided by the regulations now in force; and whereas it has been judged expedient to vest the court of nizamut adawlut with powers to grant relief to the said prisoners; and further to prevent the recurrence of similar sentences; and also to mark more obviously and clearly the distinction between the courts of civil and criminal jurisdiction, the following provisions have been enacted, to be in force in the provinces of Bengal, Behar, Orissa and Benares, from the date of the receipt of this regulation, by the several courts respectively.

The nizamut adawlut empowered to revise the cases of all prisoners sentenced to deyut, fines and compensation, and to imprisonment indefinitely until they shall fulfil the terms of their sentences; and to grant such relief as they may think just; and also to make enquiry into the claims of individuals on prisoners relieved, and to refer them for the decision of Government.

II. The court of nizamut adawlut is hereby authorized and empowered to require from the magistrates particular reports of the cases of all prisoners in their custody under sentences of the late Naib Nazim, the late native criminal courts in the city and province of Benares, and the former and present courts of circuit for the provinces of Bengal, Behar, Orissa and Benares, adjudging the prisoners to the payment of deyut for homicide or other acts, to restore stolen property or the value of it, and to pay pecuniary compensations to individuals, and fines to government, on whatever grounds, and to confinement indefinitely until the completion of their said sentences; and upon obtaining such reports, to review them, and grant such relief to the several prisoners as they shall in their discretion think each particular case in justice requires. Individuals having claims on prisoners to whom relief may be extended under this section are at liberty to prefer the same to the magistrates, who are to report such claims

claims with the circumſtances of the caſe, the reputed condition of the claimants, and their ſentiments on the equity of the claim, to the court of nizamut adawlut, which court, after due conſideration of the reports of the magiſtrates, with any further information they may think neceſſary, are to communicate the claims ſo preferred, with their ſentiments thereupon for the ultimate deciſion and orders of the Governor General in Council.

III. *Firſt.* After the promulgation of this regulation no pecuniary compenſations nor ſums as damages ſhall be adjudged to or be recoverable by individuals in any criminal proſecution; nor ſhall any fines be impoſed by any court of criminal juriſdiction ſave and except to the uſe of Government; and whenever a fine to the uſe of Government ſhall be impoſed, the court which may paſs the ſentence ſhall at the ſame time, weighing all the circumſtances of the caſe, fix a definite period of impriſonment to be held as equivalent to the fine, at the expiration of which the perſons convicted ſhall be diſcharged, although they ſhould have omitted to pay the fine. The impriſonment awarded by the courts of circuit under this ſection as an equivalent for fines impoſed by them ſhall be temporary in all caſes, and not for life, and their ſentences ſhall be executed without reference to the nizamut adawlut.

Pecuniary compenſations and ſums as damages to individuals not in future to be recoverable in, nor to be adjudged by the criminal courts, and no fines to be impoſed but to the uſe of Government with a definite period of impriſonment to be held as equivalent to the fines impoſed.

*Second.* The rules contained in the preceding clauſe of this ſection ſhall be conſidered by the courts of circuit in the provinces of Bengal, Behar and Oriſſa, as applicable to the fines which they are empowered to adjudge by Section IV, Regulation V, 1797, on perſons convicted of the offence of dhurna.

The rules in the preceding clauſe applicable to fines for the offence of dhurna.

IV. Whenever the law officers of the courts of circuit ſhall declare priſoners liable to deyut or pecuniary fines of any kind, for any other acts than murder and the ſeveral deſcriptions of homicide ſpecified in Section III, Regulation IV, 1797, the courts of circuit ſhall at their diſcretion commute ſuch deyut or fines to impriſonment for ſuch period as they may think adequate to the offence

Courts of circuit empowered in certain caſes to commute ſentences for deyut and fines to impriſonment for a term or for life; but when for life their ſentences referrible to the nizamut adawlut.

offence, and their ſentences in ſuch inſtances ſhall be carried into execution without reference to the nizamut adawlut, if for temporary impriſonment; or referred to that court, if for impriſonment for life, which ſhall at its diſcretion confirm the ſaid ſentences or mitigate or entirely remit the impriſonment awarded.

The term of impriſonment fixed by the magiſtrate under Section III, as equivalent to fines, not to exceed the periods ſpecified in Sections VIII, and IX, Regulation IX, 1793.

V. In all caſes in which the magiſtrates ſhall impoſe fines, the impriſonment to be fixed by them as equivalent to the fines under Section III of this regulation, ſhall not exceed the periods ſpecified in Sections VIII, and IX, of Regulation IX, 1793.

Section XXII, Regulation IX, 1793, neceſſarily repealed by this regulation.

VI. The courts of circuit being deprived by this regulation of the power of awarding pecuniary compenſations to parties injured; Section XXII, of Regulation IX, 1793, which provides, that the magiſtrate in his capacity of civil judge, ſhall cauſe the ſentences of the courts of circuit, awarding ſuch compenſations, to be carried into execution according to the rules and by the proceſs preſcribed for enforcing his deciſions in the court of dewanny adawlut, is neceſſarily repealed.

This regulation not to prevent the reſtitution of ſtolen goods produced before the magiſtrates and courts of circuit; magiſtrates and darogahs to uſe all diligence to recover ſtolen property, and the latter to ſearch houſes and premiſes for that purpoſe.

VII. Nothing contained in this regulation ſhall be conſtrued ſo as to prohibit the reſtitution to the lawful owners of ſtolen property, recovered and produced before the magiſtrates and courts of circuit, and the magiſtrates and darogahs are hereby enjoined to uſe all diligence to recover ſtolen property; and the latter are authorized and required to make ſtrict ſearch in any houſes or premiſes, in which on the oath of the parties robbed, or other credible information they may ſuſpect ſuch property to be concealed.

This regulation alſo not meant to reſtrict a reimburſement of coſts in particular inſtances.

VIII. Provided further, that nothing in this regulation ſhall be underſtood to reſtrict the criminal courts from adjudging a reimburſement of coſts, actually incurred, upon a proſecution before them, by either of the parties thereto, in particular inſtances, wherein they may conſider ſuch reimburſement juſt and equitable.

# A. D., 1797. REGULATION XV.

A REGULATION *for levying certain fees to defray the expence of the offices for keeping the records in the native languages which relate to the public revenue, eſtabliſhed under Regulations* XXI, 1793, *and* XXX, 1795.—PASSED *by the Governor General in Council, on the* 24*th November* 1797; *correſponding with the* 11*th Aughun* 1204 *Bengal era; the* 20*th Aughun* 1205 *Fuſſily; the* 11*th Aughun* 1205 *Willaity; the* 20*th Aughun* 1854 *Sumbut; and the* 4*th Jumaud us Sanee* 1212 *Higeree.*

REGULATIONS XXI, 1793, and XXX, 1795, directing the appointment of keepers of the revenue records in the native languages, theſe officers have been nominated accordingly; but the Governor General in Council deeming it reaſonable that the individuals, whoſe rights and property may derive additional ſecurity from this inſtitution, ſhould contribute towards defraying the expence attending it; the following rules have been enacted, to be in force in the provinces of Bengal, Behar, Oriſſa, and Benares,

Benares, from the date of the receipt of this regulation in the ſeveral diſtricts reſpectively.

Fees to be levied by the collectors on regiſtry of the diviſion or union of eſtates, or lands.

II. *Firſt.* Fees at the following rates ſhall be levied by the collectors of the revenue on the regiſtry of any diviſion or union of an eſtate, or eſtates, or of lands held exempt from the payment of revenue:

On eſtates paying revenue four annas per cent on the annualjumma.

*Second.* On any diviſion of an eſtate, or union of eſtates, paying revenue to government, that may take place under Regulations XXV, 1793, or XXVI, 1795, at the rate of one quarter, or four annas, per cent on the annual jumma, or revenue payable to government, from the property included in the union or diviſion.

On eſtates exempt from payment of revenue two and half per cent on the annual produce.

*Third.* On any diviſion of lands exempt from the payment of public revenue, or any union of ſuch lands, forming originally part of the ſame grant, made by the proprietor or proprietors of the grant, at the rate of two and a half per cent on the amount of the annual produce of the property included in the union or diviſion.

Fees to be levied on the regiſtry of transfers of land.

III. *Firſt.* Fees at the following rates ſhall be levied by the collectors on the regiſtry of any transfer of the whole or the part of an eſtate or eſtates, or lands held exempt from the payment of revenue, by deed of ſale, or gift, or otherwiſe:

On lands paying revenue one quarter per cent on the annual jumma.

*Second.* If the eſtate ſhall be ſubject to the payment of revenue to government, one quarter, or four annas per cent, on the annual jumma or revenue payable to government from the property transferred.

On lands exempt from payment of revenue, two and a half per cent on the annual produce.

*Third.* If the lands ſhall be held exempt from the payment of revenue to government, two and a half per cent on the amount of the annual produce of the lands transferred.

IV. Through-

IV. Throughout this regulation, by the annual jumma payable to government, is to be underſtood, the amount of the revenue payable to government for the year in which the diviſion, union, or transfer, may be regiſtered, according to the permanent ſettlement; or the engagements of the farmers, if the lands be farmed; or the eſtimated receipts, if no ſettlement of the lands ſhall have been concluded on the part of government either with the proprietors or with farmers: and by the annual produce of lands held exempt from the payment of revenue, is to be underſtood, the amount of the rents received and receivable by the proprietor or the poſſeſſor of the lands on account of the year preceding the year in which the diviſion, union, or transfer, may be regiſtered; and the perſon in poſſeſſion of ſuch accounts ſhall be bound to produce them on a written requiſition from the collector, and ſhall be ſubject for non-compliance therewith, to the payment of ſuch daily fine until the accounts be produced, as the board of revenue may think proper to impoſe, on a conſideration of the ſituation and circumſtances in life of the party.

What is to be conſidered the annual jumma payable to government,

and what the "annual produce of lands exempt from payment of revenue.

Mode of compelling the production of accounts to aſcertain the annual produce.

Penalty for non-compliance.

V. The amount of the fees and the fines leviable under this regulation, ſhall be payable to the collector on his demand; and if not diſcharged, ſhall be leviable by the ſame proceſs as the payment of arrears of revenue due to government may be enforced.

Fees and fines how to be levied.

VI. No perſon ſhall be liable under this regulation to the payment of a greater ſum than one hundred ſicca rupees, on account of any transfer of an eſtate, or part of an eſtate, or of lands held exempt from the payment of revenue; or any diviſion of an eſtate, or the union of any eſtates, or of lands held exempt from the payment of revenue; and accordingly, when the fee on any ſuch tranſaction, would, calculating according to the rates above preſcribed, amount to a greater ſum than one hundred ſicca rupees, the exceſs above that ſum, ſhall not be demanded or received.

Fee not to exceed one hundred ſicca rupees in any one inſtance.

VII. The fees on the diviſion of any eſtate. or the union of eſtates

Fee preſcribed by Section II, by

when to be paid.

eſtates paying revenue to government, leviable under Section II of this regulation, ſhall be paid on the regiſtry of the ſame, by the party or parties who are bound to pay the charges attending the diviſion of eſtates under the rules preſcribed in Regulation XXV, 1793, or XXVI, 1795, (according to the province in which the lands may be ſituated,) and in the ſame proportions. If the property divided or united be lands held exempt from the payment of revenue, the fees ſhall be paid by the parties in whoſe names the property may be regiſtered, in the proportion of their reſpective intereſts therein.

Fee preſcribed by Section III, by whom to be paid.

VIII. The fees on the transfer of landed property, by deed of ſale, or gift, or otherwiſe, leviable under Section III, ſhall be paid by the party to whom the property may be transferred, on the transfer being entered in the public regiſters of lands.

Fees to be carried to the credit of government, and collectors to grant receipts.

IX. All ſums which may be received by the collectors under this regulation, ſhall be carried to the account of government, and the collectors are required to grant receipts to the parties for the amount which may be paid by them reſpectively.

# A. D. 1797. REGULATION XVI.

A REGULATION *respecting appeals from the court of sudder dewanny adawlut to his most excellent Majesty and his most honorable Privy Council.*—PASSED *by the Governor General in Council, on the 24th November 1797; corresponding with the 11th Aughun 1204 Bengal era; the 20th Aughun 1205 Fussily; the 11th Aughun 1205 Willaity; the 20th Aughun 1854 Sumbut; and the 4th Jumaad us Sanee 1212 Higeree.*

BY Section XXIX, Regulation VI, 1793, the decrees of the sudder dewanny adawlut are declared final with respect to the local jurisdictions referred to in that regulation; which however had no reference to the appeal to his Majesty in Council allowed by the 21st Section of the Statute 21, Georgii III, Cap. LXX, in the following terms: — "And whereas the Governor "General in Council, or some committee thereof, or appointed "thereby, do determine on appeals and references from the coun- "try or provincial courts in civil causes; be it further enacted, "that the said court shall and lawfully may hold all such pleas and "appeals in the manner, and with such powers as it hitherto hath "held

"held the ſame; and ſhall be deemed in law a court of record; "and the judgments therein given ſhall be final and concluſive, "except upon appeal to his Majeſty in civil ſuits only, the value "of which ſhall be five thouſand pounds and upwards." No rules having been preſcribed reſpecting the appeals authorized by the ſtatute above quoted; and it being neceſſary to eſtabliſh ſuch, as well for the information of the parties who may be deſirous to appeal from decrees of the ſudder dewanny adawlut to the King in Council, as for the guidance of that court in receiving and forwarding the appeals preſented to them under the above authority; the Governor General in Council has referred to the proviſions made for the appeal to the King in Council under his Majeſty's charter for erecting the Supreme Court of Judicature at this preſidency; as well as to the rules and orders framed by the ſaid Supreme Court of Judicature, and approved by his Majeſty in Council as provided by his charter aforeſaid; and after due conſideration of the ſaid proviſions, rules and orders, has reſolved, that the following rules relative to appeals to the King in his Privy Council againſt deciſions paſſed by the court of ſudder dewanny adawlut, ſhall be in force until his Majeſty's pleaſure be known thereupon, from the 1ſt January 1798, correſponding with the 20th Pooſe 1204 Bengal era; the 28th Pooſe 1205 Fuſſily; the 20th Pooſe 1205 Willaity; the 28th Pooſe 1854 Sumbut; and the 13th Rejeb 1212 Higeree.

Petitions of appeal to the King in Council ſhall be preſented to the ſudder dewanny adawlut within ſix months; and

II. All perſons deſirous of appealing from a judgment of the court of ſudder dewanny adawlut to the King in Council, under the authority for this purpoſe contained in the 21ſt Section of the Statute 21, Georgii III, Cap. LXX, are required to preſent their petition of appeal to the court of ſudder dewanny adawlut, either themſelves or through one of the authorized pleaders of that court, duly empowered to preſent ſuch petition in their behalf, within ſix calendar months from the date on which the judgment appealed againſt may have been paſſed; under which proviſion, and provided alſo the judgment appealed againſt ſhall, exclu-

Such appeal to be admitted provided the judg-

ſive

five of costs of suit, be to the value of five thousand pounds (to be calculated as hereafter mentioned) the court of sudder dewanny adawlut are to admit the appeal; and proceed upon it as directed in the following sections of this regulation under the several restrictions therein prescribed.

ment appealed against shall, exclusive of costs, amount to 5,000 £. sterling.

III. For the purpose of determining what causes are appealable to his Majesty in Council, under the limitation of five thousand pounds and upwards, the pound sterling shall be computed at the rate of ten current rupees, being about the medium of the usual rates of exchange; and consequently making five thousand pounds equivalent to fifty thousand current rupees or (excluding fractions) sicca rupees forty three thousand one hundred and three. Under this computation the value of the property constituting the subject of the judgment appealed against, is to be determined according to the nature of such property, whether land, money, effects or otherwise, according to the general rules prescribed in like cases for determining the value of the same property when constituting the cause of action in the sudder dewanny adawlut, and the several civil courts subordinate thereto.

Appealable sum to be computed at the rate of ten current rupees per £. sterling.

Value of property to be computed according to the general rules prescribed in like cases for the guidance of the sudder dewanny adawlut.

IV. In cases of appeal to his Majesty in Council, the court of sudder dewanny adawlut may either order the judgment passed by them to be carried into execution, taking sufficient security from the party in whose favor the same may be passed for the due performance of such order or decree as his Majesty, his heirs or successors, shall think fit to make on the appeal; or to suspend the execution of their judgment during the appeal, taking the like security in the latter case from the party left in possession of the property adjudged against him: but in all cases security is to be given by appellants to the satisfaction of the sudder dewanny adawlut for the payment of all such costs as the said court may think likely to be incurred by the appeal, as well as for the performance of such order or judgment as his Majesty, his heirs or successors, may think fit to give thereupon: and after receiving such

The court may either order their judgment to be carried into execution, taking security from the party in whose favour the decree may have been passed to abide the event of the appeal.

or

Suspend the execution, taking the like security from the party left in possession.

Appellants in all cases to give security for payment of costs and for the performance of the final order or judgment on the appeal.

Appeal to be declared admitted on receiving ſuch ſecurity, and notice to be given to the parties to proſecute and defend the ſame according to the eſtabliſhed mode of proceeding.

ſuch ſecurity, the court of ſudder dewanny adawlut are to declare the appeal admitted, and to give notice thereof to the appellant and reſpondent reſpectively; that they may take meaſures, the one to proſecute, the other to defend, the cauſe in appeal before his Majeſty in Privy Council, according to the eſtabliſhed mode of proceeding in ſimilar caſes.

In all caſes of appeal, two copies of all proceedings to be prepared in Engliſh, and tranſmitted under the official ſeal and ſignature of the regiſter, to the Governor General in Council to be forwarded to his Majeſty in Council.

V. In all caſes wherein the ſudder dewanny adawlut may admit an appeal to the King in Council, they are to cauſe two exact copies to be made of all the proceedings held and judgments or orders given in the caſe appealed, including the whole of the evidence and documents, (tranſlated into Engliſh, if the original documents be in any of the country languages,) and are to tranſmit the ſame as ſoon as prepared under their official ſeal, and the ſignature of their regiſter, to the Governor General in Council, for the purpoſe of being forwarded by the firſt ſecure and ſeparate conveyances to his Majeſty in Council. The regiſter to the ſudder dewanny adawlut ſhall alſo, on the application of the appellant, or reſpondent, furniſh him or them with one or more copies of the proceedings held, and judgments or orders paſſed in the caſe appealed, provided they reſpectively agree to defray ſuch expence as may be incurred thereby; but not otherwiſe: and the regiſter is not to deliver ſuch copies when prepared without the previous payment of the expence incurred thereby, the amount of which is to be carried to the credit of government, by whom the neceſſary expenditure on this account will be made in the firſt inſtance.

The parties alſo to be furniſhed with copies of the proceedings on application, provided they agree to pay the expence of preparing the ſame.

Copies of any local regulation under which the judgment may have been paſſed, or which may have been referred to, to accompany the proceedings.

VI. In caſe the judgment appealed from ſhall have been paſſed in purſuance of any local regulation or regulations enacted by the Governor General in Council; or in caſe any ſuch regulation ſhall have been referred to in the judgments paſſed by any of the courts wherein the cauſe appealed from may have been tried and decided, a copy of ſuch regulation or regulations, or an extract therefrom containing all that has reference to the matter at iſſue, ſhall be annexed to the ſeveral copies of the proceedings prepared in conformity

formity to the preceding ſection, whether for delivery to the parties, or for tranſmiſſion to his Majeſty in Council.

VII. Provided always that nothing in this regulation is to be underſtood to bar the full and unqualified exerciſe of his Majeſty's pleaſure upon all appeals to him from the deciſions of the ſudder dewanny adawlut; either in rejecting any he may conſider inadmiſſible under the ſtatute reſpecting ſuch appeals; or in receiving any he may judge admiſſible, notwithſtanding the proviſions made in this regulation; which has reference to the local juriſdiction only, and particularly to that of the ſudder dewanny adawlut, as a neceſſary rule for their guidance, ſubject, in the whole of its proviſions, to the ultimate determination of his Majeſty in Council.

Nothing herein contained to be underſtood to bar the exerciſe of his Majeſty's pleaſure upon all appeals to him either in rejecting or admitting ſuch as he may think proper under the ſtatute.

# A. D. 1797. REGULATION XVII.

A REGULATION *for authorizing the courts of circuit to inflict a perpetual stigma in certain cases upon witnesses convicted of wilful and corrupt perjury.*—PASSED *by the Governor General in Council, on the 1st December 1797; corresponding with the 18th Aughun 1204 Bengal era; the 27th Aughun 1205 Fussily; the 18th Aughun 1205 Willaity; the 27th Aughun 1854 Sumbut; and the 11th Jemaad us Sanee 1212 Higeree.*

THE penalties prescribed by the Musselman law for false testimony, whether on oath or without oath, are corporal punishment, imprisonment, and public ignominy; or, as denoted by the technical expression (tusheer) "public exposure" but in applying either of these modes of punishment, a discretion is vested in the magistrate as in all cases of tazeer: and the prevalence of perjury in the courts of justice requiring that this discretion should be used to check, and deter from, the future commission of a crime so dangerous and prejudicial to society; the Governor General in Council has with this view, passed the following rules, to be considered in force, in the provinces of Bengal, Behar, Orissa and Benares, from the 1st March 1798, corresponding with the

20th

Phaugun 1204 Bengal era; the 27th Phaugun 1205 Fussily; the 20th Phaugun 1205 Willaity; the 27th Phaugun 1854 Sumbut; and the 12th Ramzaan 1212 Higeree.

Futwa to be given by the law officers of the courts of circuit in cases of conviction of wilful and corrupt perjury.

II. Persons accused of having given false testimony on oath, or under the solemn obligation allowed in certain cases to be substituted for an oath, in any judicial proceedings, civil or criminal, are liable to be tried on such accusation before the courts of circuit, and the law officers of those courts, whenever the prisoner may be convicted of wilful and corrupt perjury, (as hereafter defined) are in their futwa, to declare whether he be liable to *tusheer*, according to the opinion of Haneefa; as well as the corporal punishment and imprisonment, to which they may consider him liable, according to the opinion of Yusuf and Mahummud; and the judge, before whom the trial may be held, shall in such cases sentence the prisoner to the punishment to which he is declared liable, either according to the opinion of Haneefa, or to that of his two disciples, as he may judge either mode of punishment the most advisable on consideration of the condition of the prisoner, and all the circumstances of the case; or in cases of great enormity, wherein he may judge the full punishment, according to the opinions of both Haneefa and his disciples, to be merited and required; shall sentence the prisoner to the whole punishment he may be declared liable to, according to both opinions; subject to a reference to the nizamut adawlut, under the provisions made for the same by Sections XLVII, and LIII, of Regulation IX, 1793. To obviate all doubt of what is meant by wilful and corrupt perjury in the cases here referred to, it is declared to be the wilful delivery of false evidence on oath, or under a solemn obligation esteemed equivalent to an oath, in some judicial proceeding; and in a matter material to the issue thereof.

Sentence to be passed by the judges of the courts of circuit on the futwas so given.

Definition of the crime of wilful and corrupt perjury, referred to in this regulation.

Judges of the courts of circuit authorized to direct an inscription, expressive of the crime

III. Whenever a sentence of tusheer may be passed against a prisoner in the cases stated in the preceding section; and the judge before whom the trial may have been held, shall be of opinion that the

the circumſtances of the crime eſtabliſhed againſt the priſoner, conſidered with the evidence for and againſt his general character, will not be ſufficiently puniſhed by the uſual mode of public expoſure in executing a ſentence of tuſheer, he is authorized to direct the words "derogh go" or ſuch other words as in the moſt current local language may conciſely expreſs the nature of the crime, to be marked on the forehead of the priſoner, by the proceſs commonly denominated "godena," as already directed by Section XI, of Regulation IV, 1797, with reſpect to priſoners ſentenced to impriſonment for life. But in exerciſing the diſcretion veſted in the judges of the courts of circuit by this regulation, they are enjoined to obſerve the utmoſt deliberation and caution in forming their judgment upon the evidence againſt the priſoner, ſo that none but the proper objects of a perpetual ſtigma may in any inſtance be made liable to it; and whenever they may order the ſame to be inflicted, they are to record fully and ſpecifically the grounds of ſuch order upon their proceedings.

committed, to be marked by the godena on the forehead of the priſoner in the caſes referred to; when the uſual mode of executing a ſentence of tuſheer may appear to them an insufficient puniſhment.

But enjoined to obſerve the utmoſt deliberation and caution in exerciſing this diſcretion;

and to record the grounds on which they may order ſuch ſtigma to be inflicted.

# A. D. 1797. REGULATION XVIII.

A REGULATION *for authorizing the judge of zillah Chittagong to refer suits for landed property in certain cases to the native commissioners acting in that zillah as referees under Regulation* XL, 1793.—PASSED *by the Vice President in Council, on the 8th December* 1797; *corresponding with the 25th Aughun* 1204 *Bengal era; the 4th Poose* 1205 *Fussly; the 25th Aughun* 1205 *Willaity; the 4th Poose* 1854 *Sumbut; and the 18th Jemaud-us-Sanee* 1212 *Higeree.*

LANDED property in the district of Chittagong is for the most part distributed into very small portions; amongst the numerous proprietors of which and their tenants, so many disputes continually arise regarding the property or boundaries of their respective tenures, that the unremitting assiduity of the zillah judge and his register, has been found insufficient to bring them to an early trial and decision; whereby one of the primary objects of the existing judicial regulations, the speedy administration of justice, has been materially obstructed in the above district; and the injured

jured party, despairing of timely redress by due course of law, has in some instances had recourse to violence and other illegal means to redress himself. To remedy these evils so incompatible with the security of property and good order of society, established in other parts of the Company's provinces, and which it is equally the desire of government to establish universally, the Vice President in Council has thought proper to enact the following rules for the more speedy administration of justice in the cases referred to; which are to be considered in force in the zillah of Chittagong only, from the date of their receipt by the judge of that district.

Judge of Chittagong authorized to refer to the native commissioners appointed referees under Regulation XL, 1793, suits for landed property, the annual produce of which may not exceed fifty sicca rupees, if malguzarry; or five sicca rupees, if lakheraje.

II. The judge of the zillah of Chittagong, in addition to the suits for sums of money or personal property not exceeding in amount or value fifty sicca rupees, which he is authorized to refer to the native commissioners described in Regulation XL, 1793, is hereby authorized to refer to any of the native commissioners appointed under that regulation in the capacity of referee (aumeen), or who may be hereafter appointed in that capacity, suits for landed property, the annual produce whereof, if malguzarry, shall not exceed fifty sicca rupees; or if lakheraje, the produce whereof shall not exceed five sicca rupees per annum. What is meant by the annual produce of lakheraje and malguzarry lands has been already declared in Section III, of Regulation IV, 1793.

Referees under this regulation to be denominated commissioners of land-suits.

Sunnuds to be issued to them.

And oath to be taken by them.

III. The commissioners to whom the zillah judge may think it proper to refer suits for landed property under the preceding section, shall be denominated commissioners of land-suits; and, as such, shall receive a separate sunnud from the zillah judge in the form prescribed by Section VI, of Regulation XL, 1793, with the requisite alteration of jurisdiction conformably to this regulation. They shall also, with a similar alteration, take and subscribe before the zillah judge the oath prescribed in Section VII, of the abovementioned regulation.

Rules and provisions in Regu-

IV. The whole of the rules and provisions contained in Regulation

lation XL, 1793, as far as they apply to the native commiſſioners therein deſcribed in the capacity of referee (aumeen) are to be conſidered equally applicable to, and obligatory upon, the native commiſſioners acting in the ſame capacity as commiſſioners of land-ſuits, under the authority given by this regulation, and the whole of the proceedings of ſuch commiſſioners are to be regulated accordingly.

lation XL, 1793, applicable to referees, declared equally applicable to commiſſioners of land-ſuits under this regulation.

V. *Firſt.* The following ſpecial rules are further preſcribed for their guidance.

Further ſpecial rules for commiſſioners of land-ſuits.

*Second.* In all caſes of inheritance of, or ſucceſſion to, landed property, the Mahomedan laws with reſpect to Mahomedans, and the Hindoo laws with regard to Hindoos, are to regulate the deciſion; and the commiſſioners in all ſuch caſes are to obtain an expoſition of the law from the law officers of the zillah court; to whom they are to tranſmit a written abſtract of the caſe for this purpoſe. Such expoſition however is not to preclude a further reference to the law officers of the zillah court upon ſuch points of law as may ariſe upon the cauſe, in the event of its being brought in appeal before the judge under Section XX, of Regulation XL, 1793, and the other proviſions in that regulation, relative to appeals, which are to be conſidered as applicable to every deciſion for landed property paſſed under this regulation.

In caſes of inheritance or ſucceſſion, the Muſſulman or Hindoo law to regulate the deciſion.

In what manner the commiſſioners are to obtain an expoſition of the law in ſuch caſes.

Such expoſition not to preclude a further reference to the law officers of the zillah court, in caſe of appeal to that court.

*Third.* In all ſuits relative to the inheritance of, or ſucceſſion to, landed property, the commiſſioners are to affix in ſome conſpicuous part of their cutcherries, a written notification of the claim preferred, with a requiſition to all perſons who have any claim to the property ſued for, to prefer the ſame within a limited period: and their deciſions are to include all claimants to the property in queſtion, who, according to the law of the parties, whether Muſſulman or Hindoo, have a juſt and legal title to ſhare therein.

Public notification to be given in all ſuits for inheritance or ſucceſſion.

And the deciſions to include all claimants who have a juſt and legal title.

*Fourth.* The commiſſioners in transmitting their proceedings

Separate report to be made to

to

the zillah judge of causes decided by commissioners of land-suits.

to the zillah judge for the enforcement of the decisions passed by them, as required by Section XV, of Regulation XL, 1793, are to prepare and transmit a separate report of causes decided by them as commissioners of land-suits in the same form as is prescribed in the abovementioned section for the reports of causes decided by referees.

Judge of Chittagong to select and nominate proper persons to be employed as referees under this regulation.

VI. The judge of zillah Chittagong, upon the receipt of this regulation, shall select such persons as he may think proper to be employed as referees under the provisions contained in it, paying due regard to the character and qualifications of the persons so selected; and nominating them for the approbation of the sudder dewanny adawlut, conformably to Section III, of Regulation XL, 1793; after obtaining which, he shall refer to them all suits depending in his court for landed property under the limitations specified in this regulation, excepting such as he may think proper to try himself, or refer to his register.

Suits to be referred to them, when approved by the sudder dewanny adawlut.

An ultimate appeal reserved to the provincial court in all cases referred to in this regulation.

VII. By the existing regulations an appeal lies to the provincial court from all decisions of the zillah judges, in suits for real property, whether decided in appeal or otherwise; and nothing in this regulation is to be understood to preclude an ultimate appeal to the provincial court in the cases herein referred to under the general rules and restrictions relative to appeals.

# A. D. 1797. REGULATION XIX.

A REGULATION *for empowering the provincial courts of appeal to require the zillah and city courts to furnish translations of the proceedings held therein, in causes appealed to the sudder dewanny adawlut; and for providing for the translation of the papers and proceedings in such causes, when the same cannot be made in due time by the registers and assistants to the respective courts.* —PASSED *by the Vice President in Council, on the* 15*th December* 1797; *corresponding with the* 3*d Poose* 1204 *Bengal era; the* 11*th Poose* 1205 *Fussily; the* 3*d Poose* 1205 *Willaity; the* 11*th Poose* 1854 *Sumbut; and the* 25*th Jumaud us Sanee* 1212 *Higeree.*

CONSIDERABLE delay having frequently arisen in completing the translates of the proceedings in causes appealed to the sudder dewanny adawlut, owing chiefly to the provincial courts of appeal being required by the existing rules to furnish translates not only of their own proceedings, but also of those of the zillah or city courts in which the cause may have been originally

nally heard; and it being deemed proper that the zillah and city courts ſhould furniſh the tranſlates of their own proceedings in ſuch cauſes, both from their being neceſſarily more competent to certify the accuracy of the tranſlates, and for the purpoſe of expediting them; and with a view to promote the laſt mentioned object, it being deemed adviſable that proviſion ſhould be made for the tranſlation of the papers and proceedings when the ſame cannot be made in due time by the regiſters and aſſiſtants to the provincial, zillah and city courts; the following rules have been enacted, and are to be in force in the provinces of Bengal, Behar, Oriſſa, and Benares from the date of the receipt of this regulation by the ſeveral courts reſpectively.

Section XXXI, Regulation V, 1793, reſcinded.

II. Section XXXI, Regulation V, 1793, is hereby reſcinded.

Provincial courts not to require tranſlates of proceedings, &c. except in cauſes appealed to the ſudder dewanny adawlut.

Repealed by L. XIX. Reg. 1803

III. *First.* The provincial courts of appeal ſhall not require the zillah or city courts to furniſh them with tranſlates of any proceedings or papers written in the country languages excepting only the proceedings and papers in ſuits in which appeals may be preferred from their deciſion to the ſudder dewanny adawlut.

In cauſes appealed to the ſudder dewanny adawlut, the provincial court is to tranſmit to the zillah or city judge, all the original papers, &c. and require by precept a tranſlation thereof within the preſcribed time.

*Second.* On the admiſſion of an appeal from the deciſion of a provincial court of appeal to the ſudder dewanny adawlut, the provincial court is directed to tranſmit to the judge of the zillah or city court, in which the cauſe may have been tried in the firſt inſtance, the whole of the original proceedings held in the ſaid zillah or city court, together with all original documents and papers recorded on the trial therein, and to require him by a precept under the ſeal and ſignature of the court to furniſh a tranſlation in Engliſh of all ſuch proceedings, documents and papers, within the period which may be preſcribed to them by the ſudder dewanny adawlut for certifying the proceedings held in the cauſe, to the laſt mentioned court. Nothing however contained in this clauſe ſhall be conſidered by the provincial courts as authorizing them to require the judges of the zillah and city courts to furniſh a tranſlation of the

But not to require a tranſlation of proceedings held in the provincial court.

the proceedings which may be held in the appeal by the provincial courts.

*Third.* The provincial court of appeal on receiving the tranſlation from the judge of the zillah or city court, are to certify the whole of the record, original and tranſlation, to the ſudder dewanny adawlut.

Provincial court to certify the record, original and tranſlate, to the ſudder dewanny adawlut.

IV. It is the province of the regiſters and aſſiſtants to the provincial, zillah, and city courts to make all tranſlations required from theſe courts reſpectively, and it is expected they will at all times perform this duty, as far as may be in their power, conſiſtently with the due diſcharge of their other duties. But if at any time their other public avocations will not admit of their preparing the tranſlates of proceedings required to be tranſmitted to the ſudder dewanny adawlut, within the preſcribed period, the judges of the reſpective courts are to repreſent the ſame to the ſudder dewanny adawlut, with information of the period required to enable their regiſters and aſſiſtants to make ſuch tranſlations without material impediment to the diſcharge of their other duties; and if the ſudder dewanny adawlut ſhall judge it neceſſary to have the tranſlation before them at an earlier period, they are empowered to authorize the employment of any perſon or perſons, poſſeſſing an adequate knowledge of the original language, to make ſuch tranſlations, ſubject to the reviſion of the regiſter of the provincial, zillah, or city court from which ſuch tranſlation may be demandable, who, in all ſuch inſtances, is to counterſign the tranſlation, as compared by him, and will be held reſponſible for the accuracy of it.

All tranſlations required from the courts, to be made by their regiſters and aſſiſtants whenever it may be practicable.

When their other public duties will not admit of their preparing the tranſlates, the judges are to report the circumſtance to the ſudder dewanny adawlut, who, if they deem it neceſſary, will authorize them to employ other perſons to make the tranſlates ſubject to the reviſion of the regiſter, who is to be reſponſible for their accuracy.

V. Whenever any perſons, not in the civil ſervice of the Honourable Company, may be employed by the provincial, zillah, or city courts, under the authority given in the preceding ſection, the perſons ſo employed are to receive a compenſation for the tranſlate made by them according to the following eſtabliſhed rates, which have been fixed as a general ſtandard for tranſlations of

Rates to be allowed to perſons not in the ſervice for making tranſlates.

of every description, viz. one sicca rupee for one hundred words of the original language; and the same rate for figures, calculating five figures for a word. The judges of the provincial, zillah, and city courts are to communicate the above rates to the persons who may be employed by them, before they undertake the translation; and are to pay the same on a certificate from their registers that the translation has been duly completed, which certificate is to be endorsed by the register on the bill, after he shall have compared the translation as directed in the foregoing section.

Bill for the translation to be paid on a certificate from the register.

# TITLES OF THE REGULATIONS

## *Passed in the Year*

## 1798.

## REGULATION

### I.

REGULATION *to prevent fraud and injustice in conditional sales of land under deeds of Bye-bil-Wuffa; or other deeds of the same nature. Passed on the* 19*th January*, 1798.

### II.

REGULATION *for authorizing a review of causes decided by the civil courts in certain cases; and for explaining parts of Regulations* IV, V, *and* VI, 1793. *Passed on the* 9*th February*, 1798.

### III.

REGULATION *for establishing annual vacations of the civil courts of justice; for postponing the commencement of the half yearly jail deliveries during such vacations; and for establishing a fixed*

*fixed order of succession in the jail deliveries of the several zillahs and cities throughout the provinces of Bengal, Behar, Orissa and Benares. Passed on the 2d March, 1798.*

IV.

A REGULATION *prescribing rules to be observed in summoning the officers of the salt chokies. Passed on the 4th May, 1798.*

V.

A REGULATION *for the further limitation of appeals to the court of sudder dewanny adawlut: for providing further security during appeals in certain cases: and for explaining and amending certain parts of the existing regulations relative to the fee payable to government on the institution of suits in the civil courts; and the fees of the pleaders in those courts: also for discontinuing the records of decided causes, required by Sections* X, *and* XIV, *of Regulation* XVIII, 1793. *Passed on the 5th July, 1798.*

# A. D. 1798. REGULATION I.

A REGULATION *to prevent fraud and injustice in conditional sales of land under deeds of* Bye-bil-Wuffa; *or other deeds of the same nature.*—PASSED *by the Vice President in Council, on the* 19*th January* 1798; *corresponding with the* 9*th Maug* 1204 *Bengal era; the* 17*th Maug* 1205 *Fussily; the* 9*th Maug* 1205 *Willaity; the* 17*th Maug* 1854 *Sumbut; and the* 1*st Shabaan* 1212 *Higeree.*

IT has long been a prevalent practice in the province of Behar to borrow money on the mortgage and conditional sale of landed property, under a stipulation that if the sum borrowed be not repaid (with or without interest) by a fixed period, the sale shall become absolute. This species of transfer has in the above province been usually denominated *Bye-bil-Wuffa*; and the same transaction is common in Bengal under an instrument termed *Kut-Cubbaleh.* It doubtless exists also, under deeds of the above or similar denominations, in Orissa and Benares; and since the promulgation of the rules respecting interest contained in Regulation XV, 1793.

it

it has become more prevalent; particularly in the province of Behar, wherein instances have occurred in which persons lending money on Bye-bil-Wuffa, in order to render the sale absolute, and thereby possess themselves of the landed property of the borrower have denied the tender, or evaded receiving payment of the money due to them within the period limited for the discharge of it. In such cases the proof of the tender falls on the borrower; and if he fail in the proof of it for want of legal evidence, he is liable to lose his estate. It is necessary therefore for the security of the borrower in such transactions that he should have the means of establishing before a Court of Judicature his having tendered, or being ready to pay, within the stipulated period, the amount due from him to the lender; who, if he mean to act fairly will also derive a benefit from a clear rule being laid down whereby it may be readily ascertained whether the borrower was willing to redeem his property by the payment of the money lent upon it, within the period agreed upon between the parties; or whether from his having omitted to perform the conditions of such redemption the sale is become absolute; and the property included therein finally transferred to the lender. For the above purpose, and for the prevention of other abuses in the transactions referred to, the Governor General in Council has passed the following rules, to be considered in force in the provinces of Bengal, Behar, Orissa, and Benares, from the date of the receipt of this regulation by the several courts respectively.

Persons who have borrowed money on a conditional sale of land, and who may be desirous of redeeming the land by payment of the money lent upon it, how to proceed for this purpose.
May, within the stipulated period, either tender and pay the amount due, to the lender, or deposit the same in the local dewanny adawlut.

II. In all instances of the loan of money on Bye-bil-Wuffa, or on the conditional sale of landed property, as explained in the preamble to this regulation, however denominated, the borrower, who may be desirous to redeem his land by the payment of the money lent upon it, with any interest due thereon within the stipulated period, is at liberty, on or before the date stipulated, either to tender and pay to the lender the amount due to him; taking such precautions as he may think necessary to establish such tender and payment, if evaded or denied, or, without any tender to the lender,

lender, to depoſit the amount due to him on or before the ſtipulated date, in the dewanny adawlut of the city or zillah in which the land may be ſituated, and the judge receiving the ſame ſhall furniſh the party with a written receipt for the amount, ſpecifying on what date and for what purpoſe ſuch depoſit may have been made. He ſhall alſo, at the ſame time, cauſe a written notice of ſuch depoſit to be delivered to the lender, and on the application of the latter and his ſurrender of the conditional bill of ſale, or ſhewing ſatisfactory cauſe why it cannot be ſurrendered, ſhall pay him the amount depoſited, and take his acknowledgement, to remain among the records of the court. That there may be no doubt to what amount the depoſit in queſtion is to be made, it is required to be as follows. When the lender has not obtained poſſeſſion of the lands, the depoſit is to be the principal ſum lent, with the ſtipulated intereſt thereon, not exceeding the legal rate of twelve per cent per annum; or, if intereſt be payable, and no rate has been ſtipulated, with intereſt at the eſtabliſhed rate of twelve per cent; but if the lender has held poſſeſſion of the land, the principal ſum borrowed only need be depoſited, leaving the intereſt to be ſettled on an adjuſtment of the lender's receipts and diſburſements during the period he has been in poſſeſſion. In either caſe, a depoſit made as above required, ſhall be conſidered to preſerve to the borrower his full right of redemption, and if the land be in the poſſeſſion of the lender ſhall entitle him to demand the immediate recovery thereof, ſubject to the adjuſtment of accounts ſpecified in the following ſection. Provided however, that if the borrower in any caſe ſhall depoſit a leſs ſum, than above required, alleging that the ſum ſo depoſited is the total amount due to the lender, for principal and intereſt, after deducting the proceeds of the lands in his poſſeſſion, or otherwiſe, ſuch depoſit ſhall be received, and notice given to the lender as above directed, and if the amount ſo depoſited be admitted by the lender, or be eſtabliſhed, on inveſtigation, to be the total amount due to him the right of redemption ſhall be conſidered to have been fully preſerved to the borrower, who will not however, in ſuch caſes, be entitled to the recovery of

Receipt to be given by the judge for ſuch depoſit.

Notice to be given to the lender, and payment to be made to him, under reſtrictions.

Specification of the depoſit required.

Rights of the borrower preſerved by making the required depoſit.

Proviſo, with reſpect to depoſits leſs than above required, if alleged to be the total amount due.

Such depoſits to be alſo received; and to preſerve the borrower's rights, if admitted, or eſtabliſhed, to be the total amount due.

of his lands until it be admitted, or eſtabliſhed that he has paid the full amount due from him.

When the lender has poſſeſſed the land, and an adjuſtment of accounts may be neceſſary, he is to account for the proceeds of the eſtate, on the principles preſcribed in Regulation XV, 1793.

III. In all inſtances wherein the lender on a Bye-bil-Wuffa, or ſimilar conditional ſale, may have been put in poſſeſſion of the land, and an adjuſtment of accounts may conſequently become neceſſary between him and the borrower, the lender is to account to the borrower for the proceeds of the eſtate whilſt in his poſſeſſion, on the principles preſcribed with regard to mortgages and intereſt in Regulation XV, 1793, as far as the ſame may be applicable to the nature of the caſe. But ſuch part of Section X, of the above regulation, as directs that the mortgages therein referred to, are to be conſidered as cancelled and redeemed whenever the principal ſum, with the ſimple intereſt due upon it, ſhall have been realized from the uſufruct of the mortgaged property, or otherwiſe liquidated by the mortgagee, being inapplicable to the conditional ſales referred to in this regulation, it is hereby declared not to apply thereto.

Exception.

Teeps not to be conſidered a legal tender, in caſes referred to, unleſs accepted by the lender.

Such acceptance how to be proved.

IV. A teep for the repayment of money lent on the conditional ſales referred to in this regulation, ſhall not be conſidered a legal tender, unleſs accepted as ſuch by the lender, the proof of which acceptance ſhall be the lender's giving up the bill of ſale, or giving a written acknowledgement that he has received back the money lent by him.

Nothing in this regulation to alter the contract between the parties.

And all queſtions of right to be regularly determined by the civil courts.

V. Nothing in this regulation being intended to alter the terms of contract ſettled between the parties in the tranſactions to which it refers, (illegal intereſt excepted) the ſeveral proviſions in it are to be conſtrued accordingly; and any queſtion of right between the parties is to be regularly brought before and determined by the courts of civil juſtice.

# A. D. 1798. REGULATION II.

A REGULATION *for authorizing a review of causes decided by the civil courts in certain cases; and for explaining parts of Regulations* IV, V, *and* VI, 1793. PASSED *by the Vice President in Council, on the* 9*th February* 1798; *corresponding with the* 30*th Maug* 1204 *Bengal era; the* 8*th Phaugun* 1205 *Fussly; the* 30*th Maug* 1205 *Willaity; the* 8*th Phaugun* 1854 *Sumbut; and the* 22*d Shabaan* 1212 *Higeree.*

BY the existing regulations no authority is vested in the civil courts of judicature to revise their proceedings after judgment has been passed by them; nor can the ends of justice require such review in cases open to appeal; as in all such cases any errors or other defects in the trial may be remedied by the usual course of appeal: but in cases wherein the regulations do not allow an appeal, although the exercise of an unqualified power of revision with a view to reconsider the grounds of the decision would tend to depreciate the value of property held under the decrees of the courts of justice, and be otherwise liable to many serious objections, particular cases may occur in which it would be proper and necessary that the civil courts should have the power of revising their proceedings for the purpose of correcting incidental errors not affecting

ting the principle of the decision; or even for amending the principle of the decision, if it should subsequently appear erroneous, either on the face of the decree or on the discovery of new matter or evidence which could not be had or used at the time when the decree was passed. Other substantial reasons may also occur to render a revision just and necessary; which, as they cannot be all foreseen and provided for, must be left to the discretion and judgment of the courts before whom the proceedings on the case may have been held, subject however to the judgment and control of the superior court of sudder dewanny adawlut, that the grounds on which a review is granted, as well in that court as in the several provincial, zillah, and city courts, may be uniform; and that it may not in any instance be allowed without due deliberation and circumspection. Further, as doubts have arisen respecting the meaning and intention of parts of Section XV, of Regulation IV, 1793; Sections VIII, and XII, of Regulation, V, 1793; and Sections IV, V and X, of Regulation VI, 1793; to remove such doubts and to provide for the revision of causes decided in the cases above referred to, the Governor General in Council has enacted the following rules, to be considered in force in the provinces of Bengal, Behar, Orissa and Benares, from the date of the receipt of this regulation by the several courts respectively.

Petitions for a review of causes from the decision in which, no appeal can be had, to be presented to the court passing such decision.

II. Any persons cosidering themselves aggrieved by the decree of a zillah, city, or provincial court, from which decree no appeal can be had under the existing regulations to any superior court; and who from the discovery of new matter or evidence which was not within their knowledge, or could not be adduced by them, at the time when the decree was passed, or for other good and sufficient reason, may be desirous of obtaining a review of the judgment passed against them, are at liberty to present a petition for this purpose (on stampt paper) to the court in which the decree in question may have been passed; and, if the judge or judges of such court, shall, on consideration of the reasons urged by the party, be of opinion that the review desired is necessary to correct an evident

Report to be made to the sudder dewanny adawlut if the judges shall

error

error in the judgment, or otherwiſe for the due adminiſtration of juſtice, they ſhall report the ſame, with the grounds of ſuch opinion, to the court of ſudder dewanny adawlut; tranſmitting at the ſame time a copy and tranſlation of the petition preſented to them; and ſhall be guided by the inſtructions they may receive from that court in admitting or rejecting the prayer of ſuch petition; as well as in the admiſſion of evidence, if the review be granted, on the further proceedings to be held by them in conſequence. Provided however that no reference to the ſudder dewanny adawlut ſhall be conſidered neceſſary in caſes wherein the judge or judges of the court in which the final decree may have been paſſed, ſhall deem the reaſons urged for a reviſion thereof inſufficient; their rejection of the petition for a review in all ſuch caſes being hereby declared concluſive.

consider it neceſſary for the due adminiſtration of juſtice.

Inſtructions of the ſudder dewanny adawlut to determine the admiſſion or rejection of the review deſired, as well as what new evidence ſhall be admitted.

But no reference to the ſudder dewanny adawlut neceſſary, if the judges of the court, wherein the final decree was paſſed, deem the reaſons urged for a review thereof inſufficient.

III. The court of ſudder dewanny adawlut, in caſes referred to them by the provincial, zillah, and city courts, as well as in all caſes wherein petitions may be preferred to them for a reviſion of their own judgments, not open to an appeal to the King in Council, are authorized to grant the review deſired; if, on due conſideration of the reaſons urged for the ſame, the circumſtances of the caſe appear in juſtice to require it; ſuch, for inſtance; as an error in judgment appearing on the face of the decree; or the diſcovery of new matter or evidence which could not be had or uſed at the time when the decree was paſſed; but no new evidence or matter then in the knowledge of the parties, which might have been uſed before, ſhall be a ſufficient ground for granting a review, unleſs for ſpecial reaſons the court of ſudder dewanny adawlut ſhould ſee juſt cauſe to admit the ſame, in which caſe ſuch reaſons are to be recorded at large in their proceedings. The above court are further authorized, whenever they may judge it proper to grant a review, to direct the admiſſion or rejection of any new evidence that may be offered; as well as generally to paſs ſuch orders upon the caſe as they may deem juſt and equitable and all orders ſo paſſed by them (except in caſes appealable to his Majeſty in Council) ſhall be deciſive and final.

Sudder dewanny adawlut authorized to grant the review deſired in certain caſes.

But no evidence or matter which might have been before uſed, to be a ſufficient ground for granting a review; except for ſpecial reaſons, to be recorded.

Sudder dewanny adawlut authorized to direct the admiſſion or rejection of new evidence in certain caſes; and to paſs ſuch orders as they may deem juſt and ſuch orders to be final except in caſes appealable to the King in Council.

IV.

Explanation of Section XV, Regulation IV, 1793; and Section III, Regulation VIII, 1795.

IV. By Section XV, of Regulation IV, 1793, and Section III, Regulation VIII, 1795, the judges of the zillah and city courts are directed to decide (in certain suits therein referred to) according to the Mahomedan or Hindoo laws; and the Mahomedan and Hindoo law officers of the court are required to attend to expound these laws, by which it was evidently intended that the law officers attached to the several civil courts, should expound the law in the cases referred to in the above sections; and that the judges should be guided by such exposition in all common cases wherein they might have no reason to doubt the accuracy of it: but, in particular cases, wherein they might entertain such doubt, either from the objections of the parties, founded on other law opinions exhibited by them; or from a reference to the known books of Mahomedan or Hindoo law; or, from whatever cause, if the judge or judges trying the suit should consider the exposition given by their immediate law officer insufficient; it was not meant to preclude them from obtaining a further exposition from the law officers of the superior courts by a reference of the case to them through the judges of these courts, as has been the occasional practice in some of the courts; and is now declared to be at the discretion of all the zillah, city, and provincial courts, whenever they may deem such reference necessary for the purposes of justice. It is at the same time to be observed that the above courts are not authorized to refer any point of law to individuals not acting in a public capacity; and to whom consequently no responsibility attaches; although there is no objection to any of the courts receiving law opinions, quoting or referring to authorities, tendered to them by the parties during the trial of the suit in support of their claims, and if the courts shall deem it proper so to do, referring them to their own law officers or those of the superior courts, to enable them to determine on their due weight and application to the case.

Intended that the law officers of the several civil courts should expound the law; and that the judges should be guided by their exposition in common cases.

But not in particular cases wherein they might have reason to doubt the accuracy of such exposition.

In such cases, a further exposition of the law from the officers of the superior courts not meant to be precluded.

But the courts are not authorized to refer any point of law to individuals not acting in a public capacity.

Tho' they may receive law opinions tendered to them by the parties, and, if deemed proper, refer them to their law officers, or those of the superior courts.

Section VIII, of Regulation V, 1793, and Se-

V. It was not intended by Section VIII, of Regulation V, 1793, or by the Second Clauses of Sections IV, and V, of Regulation

tion VI, 1793, to require the provincial courts, or ſudder dewanny adawlut to enter into the merits of the caſes therein referred to, but the terms of the above ſection and clauſes having been underſtood to admit ſome doubt on this head, they are hereby reſcinded, and the three following ſections are ſubſtituted for them reſpectively.

cond Clauſes, of Sections IV, and V, Regulation VI, 1793, explained.

Above ſection and clauſes reſcinded, and the three following ſections ſubſtituted for them.

VI. The provincial courts are empowered to receive any petitions reſpecting ſuits or matters that may be depending, or have been decided in any zillah or city court within their reſpective juriſdictions, and provided it ſhall be proved to their ſatisfaction that the petition was preſented, or that due means were uſed to effect its being preſented, to the judge, and that he refuſed or omitted to receive it, and proceed on it, or, in the laſt mentioned caſe, that undue means were uſed by any of the officers of the court to prevent the petition being preſented, the court are empowered to iſſue a precept under the ſeal of the court, and atteſted by the regiſter, commanding the judge to receive the petition and to proceed reſpecting it, according to the regulations.

Caſes in which the provincial courts may receive petitions reſpecting ſuits or matters depending, or decided in any zillah or city court, and how to proceed with ſuch petitions.

VII. The ſudder dewanny adawlut are veſted with authority to receive any petitions reſpecting ſuits or matters that may be depending or have been decided, in any zillah or city court, and provided it ſhall be proved to their ſatisfaction, that the petition was preſented to the judge of ſuch court, and that he refuſed or omitted to receive it, and proceed on it, and that the complainant applied to the provincial court of appeal of the diviſion, and that ſuch court omitted or refuſed to grant the precept ſpecified in Section VI, of this regulation, the court are empowered to iſſue a precept under the ſeal of the court, and atteſted by the regiſter, commanding the judge to receive the petition, and to proceed reſpecting it according to the regulations.

Caſes in which the ſudder dewanny adawlut may receive petitions reſpecting ſuits or matters depending, or decided in any zillah or city court, and how to proceed with ſuch petitions.

VIII. The ſudder dewanny adawlut, are veſted with authority to receive any petitions reſpecting appeals or matters that may be depending

Caſes in which the ſudder dewanny adawlut may receive pe-

titions respecting appeals or matters depending, or decided in any provincial court, and how to proceed in such cases.

depending, or have been decided in any provincial court of appeal, and provided it shall be proved to their satisfaction, that the petition was presented to the provincial court, and that they refused or omitted to receive it, the court are empowered to issue a precept under the seal of the court and attested by the register, commanding the provincial court to receive the petition and proceed respecting it according to the regulations.

Explanation of clauses in Section XII, of Regulation V, 1793; and Section X, of Regulation VI, 1793; requiring security from the party appealing, for the costs of the appeal, and performance of the decree passed thereupon.

IX. Section XII, of Regulation V, 1793, and Section X, of Regulation VI, 1793, contain each a clause that in all cases of appeal the party appealing is to give good and sufficient security in such sum as the court receiving the appeal, may deem proper upon a consideration of the amount or value of the property or thing decreed (provided that the security so to be taken, be not in any case for a greater sum than five hundred rupees) for the payment of the costs that the court of appeal may judge it proper to award, and for the performance of the decree which it may pass. The intention of the above clauses not having been fully understood; and the limitation of the security contained in them having been found objectionable, they are hereby rescinded, both in Regulations V, and VI, 1793; and the following section is substituted for them.

Above clauses rescinded; and the following section substituted for them.

Parties desirous of appealing to deliver, good security for the costs that may be awarded on the appeal, including fees of pleaders, if it be intended to employ any.

No appeal to be admitted without such security; or proof of inability to find the same.

Presenting a petition of appeal, without the required security, before the expiration of the time limited for appealing declared not to preserve the right of appeal.

X. In all authorized cases of appeal, the party desirous of appealing, is, with his petition of appeal, to deliver good and sufficient security for the payment of the costs that may be awarded on the appeal, including the fees of his pleader in case he shall intend to employ any on his appeal. Without such security, or without proof of inability to find the same, as required with respect to paupers by Regulation XLVI, 1793, no appeal shall be admitted; and in like manner as has been declared in Section VI, of Regulation VI, 1797, with respect to the fees on appeals prescribed by that regulation; it is hereby declared, that the presenting a petition of appeal, without the security required by this section, before the expiration of the time limited for appealing, shall not be considered as preserving to the appellant his right of appeal,

as

as far as respects the limitation in question. Provided however, that if a party appealing, who may declare his intention to prosecute his appeal in person, shall afterwards be desirous to appoint an authorized vakeel to act for him; and with his petition to this effect, or the vakalutnamah appointing such vakeel, shall deliver good and sufficient security for the fees of such pleader in addition to the security for costs before delivered by him, such further security shall be admitted, and nothing in this regulation shall be understood to affect the right of appeal in such cases. But no pleader shall in any instance be allowed to act in any court until security has been given for his established fees; except under the provisions for paupers contained in Regulation XLVI, 1793, and in the special cases provided for by Regulation XIII, 1795.

Put a party declaring his intention to prosecute his appeal in person, may afterwards appoint an authorized pleader, with separate security for his fees.

And nothing in this regulation to affect the right of appeal in such cases.

No pleader however to act in any court until security has been given for his fees; except under provision for paupers.

BENGAL SECRETARIAT LIBRARY

# A. D. 1798. REGULATION III.

A REGULATION *for establishing annual vacations of the civil courts of justice; for postponing the commencement of the half yearly jail deliveries during such vacations; and for establishing a fixed order of succession in the jail deliveries of the several zillahs and cities throughout the provinces of Bengal, Behar, Orissa and Benares.* —PASSED *by the Governor General in Council, on the* 2*d March* 1798; *corresponding with the* 21*st Phaugun* 1204 *Bengal era; the* 29*th Phaugun* 1205 *Fussily; the* 21*st Phaugun* 1205 *Willaity; the* 29*th Phaugun* 1854 *Sumbut*; *and the* 13*th Ramzaan* 1212 *Higeree.*

Modified 1811. 2. 15

THE Hindoo native officers employed in the courts of justice, as well as the Hindoo vakeels attached to these courts, being in general solicitous to have leave of absence at the annual festival of the Dussarah, for the purpose of celebrating this festival, and at the same time visiting their families, and the Mahomedan officers and vakeels being usually desirous to have leave

leave of abſence for ſimilar purpoſes, at the feſtival of the Mohurrem; the Governor General in Council has judged it adviſable to authorize a general adjournment of the civil courts at the periods of the above feſtivals; in allowing which, he has it further in view to enable ſuch of the judges and regiſters as may require temporary leave of abſence from their ſtations for any private purpoſe to apply for the ſame at a period when the adjournments of the civil courts may admit of it with leſs public inconvenience than when both the civil and criminal courts are open; and in conſequence of the opportunity thus given them to apply for leave of abſence during the fixed vacations, it is expected they will not make ſuch applications at any other period, except in caſes of indiſpenſible neceſſity. The Governor General in Council further adverting to the hardſhip which particular priſoners might ſuſtain from the half yearly jail deliveries in the ſeveral diviſions of the courts of circuit not being made ſucceſſively in the ſame order; whereby the priſoners at one ſtation would be liable to be kept in confinement for trial much longer than at another where the jail delivery ſhould follow more ſpeedily; has reſolved to eſtabliſh a fixed order of ſucceſſion for the jail deliveries of the ſeveral zillahs and cities throughout the provinces; and, in conſequence of the little benefit found to attend the mode of holding the jail deliveries for the cities of Dacca, Moorſhedabad and Patna; and the zillahs of Dacca Jelalpore, Moorſhedabad and the Twenty-four Pergunnahs; preſcribed in Section IX, Regulation VII, 1794, from the courts of circuit being occupied in holding the jail deliveries of the other zillahs; at the ſame time that conſiderable interruption to the magiſtrates in the diſcharge of their duties might be expected from the more frequent ſittings of the courts of circuit; the Governor General in Council conſiders it adviſable to extend the rule for half yearly jail deliveries, which has been preſcribed for the other zillahs throughout the provinces, to the zillahs and cities abovementioned. He has accordingly enacted the following rules, comprehending the ſeveral objects above adverted to, which are to be conſidered in force in the provinces of Bengal,

Behar,

Behar, Oriſſa and Benares, from the date of the receipt of this regulation by the ſeveral courts reſpectively.

II. The provincial, zillah and city civil courts, ſhall be annually adjourned during the Hindoo feſtival, called Duſſarah, which occurs in the Bengal month Aſſin or Kartick, correſponding with the Engliſh month September or October; and alſo during the Mahomedan feſtival Mohurrem, which, depending on the lunar year, is not fixed to any particular month. The former adjournment, (or Duſſarah vacation), ſhall commence ten days before this feſtival, and continue for the period of one month, of thirty days. The latter adjournment, (or Mohurrem vacation,) ſhall commence five days before this feſtival, and continue for fifteen days. Under this rule when the time of the two feſtivals may coincide, the vacations alſo will of courſe be blended, and no ſeparate adjournment will be neceſſary; except as far as the fixed period for the one may extend beyond that of the other, as when part of the Mohurrem vacation only may fall within the period fixed for the Duſſarah vacation; or, on the other hand when part of the latter only may fall within the period of the former.

Provincial, zillah and city courts, to be annually adjourned at the Duſſarah and Mohurrem.

Periods fixed for the two vacations.

III. The court of ſudder dewanny adawlut are authorized to adjourn that court during the periods of the two vacations above-mentioned, or otherwiſe, as they may judge proper.

Sudder dewanny adawlut may adjourn that court, or not, as they may judge proper.

IV. The courts of circuit (with an exception to the Dacca diviſion, in which, from local circumſtances, the circuit is ordered to commence on the 1ſt January, and 1ſt July) being directed by Regulation III, 1797, to commence their half yearly circuits on the 1ſt March, and the 1ſt October, of each year; and as theſe dates may occaſionally fall within the period of one of the vacations above authorized; when this may happen, the commencement of ſuch circuit ſhall be poſtponed until the expiration of the fixed period for the vacation; or as long as the magiſtrates of the zillahs where the firſt jail delivery is to be held may, on a reference

The circuits to be poſtponed when the fixed periods for their commencement may fall within the periods of the vacations.

But no jail delivery to be postponed on this account when the circuit shall have commenced.

Nor the attendance of persons required before courts of circuit dispensed with, in such instances.

rence from the courts of circuit, state to be necessary on this account; but after the actual commencement of the circuit, no jail delivery shall be postponed on account of either of the vacations above noticed: nor shall the attendance of any person required before the court of circuit, be dispensed with on account of the vacation in such instances; which however can seldom occur.

Jail deliveries of cities of Dacca, Moorshedabad and Patna, and zillahs Dacca Jelalpore, Moorshedabad and Twenty-four Pergunnahs, to be held half yearly, as in other zillahs.

Altered by Sect. Reg.ⁿ II. 1799.

+ V. The jail deliveries for the cities of Dacca, Moorshedabad and Patna, and for the zillahs of Dacca Jelalpore, Moorshedabad and the Twenty-four Purgunnahs, are hereafter to be held half yearly as in the other zillahs throughout the provinces; and in the order of succession prescribed in the following section, such parts of Regulation III, 1797, as well as of any other existing regulation, as contain a different rule respecting the jail deliveries of the above cities and zillahs being hereby rescinded.

Order of succession established for holding the jail deliveries of the several zillahs and cities throughout the provinces.

Not to be deviated from without the sanction of the nizamut adawlut.

+ VI. The jail deliveries of the several zillahs and cities in the five established divisions of the courts of circuit, viz. of Calcutta, Dacca, Moorshedabad, Patna and Benares, shall hereafter be made according to the following fixed order of succession; from which no court of circuit shall in any instance deviate without the previous sanction of the nizamut adawlut, upon a report made to that court of any particular circumstances that may occur to render such deviation necessary.

+ Altered with Respect to the Zillahs of 24 Pergunnahs Dacca Jelalpore & Moorshedabad by Sect.ⁿ IV. Reg.ⁿ II. 1804.

+ Also with Respect to the Order of Succession by Sect. VII Reg.ⁿ II. 1804.

DIVISION OF CALCUTTA.

1 Zillah Beerbhoom.
2 do. Burdwan.
3 do. Midnapore.
4 do. Hoogly.
5 do. Nuddea.
6 do. Jessore.
7 do. Twenty-four Pergunnahs.

DIVISION

DIVISION OF DACCA.

1 Zillah Myrhonſing.
2 do. Sylhet.
3 do. Tipperah.
4 do. Chittagong.
5 do. Backergunge.
6 do. Dacca Jelalpore.
7 City of Dacca.

DIVISION OF MOORSHEDABAD.

1 Zillah Bhaugulpore.
2 do. Purneah.
3 do. Dinagepore.
4 do. Rungpore.
5 do. Rajeſhahy.
6 do. Moorſhedabad.
7 City of Moorſhedabad.

DIVISION OF PATNA.

1 Zillah Shahabad.
2 do. Sarun.
3 do. Tirhoot.
4 do. Behar.
5 do. Ramghur.
6 City of Patna.

DIVISION OF BENARES.

1 Zillah Ghazeepore.
2 do. Juanpore.
3 do. Mirzapore.
4 City of Benares.

Jail deliveries to be held before the ſecond and third judges of the courts of circuit alternately, as directed in Re-

VII. The whole of the jail deliveries ſpecified in the preceding ſection, are to be held before the ſecond and third judges of the reſpective courts of circuit alternately, as directed in Section II, Regulation

gulation III, 1797, which regulation to be still in force, with the modifications contained in this regulation.

Regulation III, 1797; the several provisions in which regulation, as well respecting the commencement of the two half yearly circuits, as otherwise, are still to be considered in force; except such parts thereof as by this regulation are rescinded, altered, or superseded.

# A. D. 1798. REGULATION IV.

A REGULATION *prescribing rules to be observed in summoning the officers of the salt chokies.*—PASSED *by the Acting Governor General in Council, on the 4th May 1798; corresponding with the 24th Bysaak 1205 Bengal era; the 4th Jeyte 1205 Fussily; the 24th Bysaak 1205 Willaity; the 4th Jeyte 1855 Sumbut; and the 16th Zekaad 1212 Higeree.*

THE resources which government derive from the manufacture of salt, being liable to suffer much injury from the officers of the chokies stationed in different parts of the country to guard against illicit trade in that article, being obliged immediately to quit their stations on summonses being served upon them, either as witnesses or in consequence of any real complaint, or of any frivolous or false complaint being preferred against them by designing persons, by which an easy opportunity of passing illicit salt during their absence is afforded to smugglers, with manifest injury to the public revenue and to the fair trader in that article: the Acting Governor General in Council, with a view to remedy the evil abovementioned, has enacted the following rules.

II.

Board of trade, ſalt agents and aumeen at Narraingunge to furniſh the judges with liſts of the chokies and officers attached thereto, and notify all changes therein.

II. The board of trade, the ſalt agents, and the aumeen at Narraingunge, under whoſe immediate ſuperintendence the officers of the ſalt chokies act, are to be careful to keep the ſeveral judges, in whoſe juriſdictions the chokies are ſtationed, furniſhed with liſts of the chokies, pointing out their ſituations and ſpecifying the names of the officers attached to them; and in the event of any change taking place in the ſituation of a chokey, or among the officers belonging to a chokey, the ſame ſhall be immediately notified to the judge.

How ſummonſes are to be ſerved in civil ſuits againſt the officers of the ſalt chokies.

III. Perſons inſtituting ſuits in the dewanny adawlut againſt any of the officers of the ſalt chokies are to ſpecify the nature of their employment; and the ſummonſes to be ſerved upon ſuch officers, with a copy of the complaint againſt them, ſhall be encloſed in a ſealed cover, either to the board of trade, the ſalt agent, or the aumeen at Narraingunge (according as the party ſummoned may be under the ſuperintendence of one or other of them), who will, without delay, ſend perſons to take charge of the chokey, and cauſe the party ſummoned to accompany the officer of the court to the court; or if the ſummons ſhall not have been committed to the charge of an officer, they ſhall cauſe ſuch party to be conveyed before the court.

How warrants are to be ſerved when the officers of the ſalt chokies are charged with bailable offences.

IV. In caſes in which an officer of a ſalt chokey ſhall be charged before a magiſtrate with a bailable offence, the warrant ſhall be ſerved in the manner directed in the preceding ſection with regard to ſummonſes; and the party to whom the warrant may be ſent under cover, ſhall cauſe the officer ſummoned to give the requiſite bail, or immediately to appear in perſon or by vakeel, as the magiſtrate may think proper to require in the warrant.

Warrants for offences not bailable to be executed in the uſual manner, but notice to be given to the board of trade &c. of the apprehenſion of the ſalt officers.

V. If a charge ſhall be preferred to a magiſtrate on oath againſt any of the officers of the chokies, for an offence that is not bailable under the regulations, and there ſhall appear to the magiſtrate ſufficient ground for apprehending the perſons ſo charged, the warrant for their apprehenſion ſhall be executed at all times in the ſame

manner

manner as upon perſons not chokey officers. But the officer of the court, after ſecuring the offender, is to give notice thereof, either to the board of trade, the ſalt agent, or the aumeen at Narraingunge, according as the offender may be under the ſuperintendence of one or other of them.

VI. The darogahs of police are to obſerve the rule laid down in Section IV, of this regulation, in all complaints that may be preferred to them againſt officers of the ſalt chokies.

Police officers to obſerve the rule laid down in Section IV, in all complaints preferred to them.

VII. Summonſes to officers of the ſalt chokies to appear as witneſſes, ſhall be ſerved in the manner above preſcribed in Section III, but the judges are to be careful not to ſummon ſuch officers excepting when their attendance ſhall be neceſſary, and on their appearance, they are to have them examined and diſmiſſed with all practicable diſpatch, ſo that they may be abſent from their chokies as ſhort a time as poſſible.

Rules for ſummoning ſalt officers as witneſſes.

---

VIII. The rules contained in this regulation being intended only to prevent injury to the reſources derived by government from the ſalt manufacture, when it can be avoided without impeding the courſe of juſtice, the judges and magiſtrates are empowered in particular caſes, in which it may appear to them indiſpenſibly neceſſary for the purpoſes of juſtice, to order the perſonal attendance of any chokey officer, whether he may be a party or witneſs in the ſuit, or proſecution, notwithſtanding any thing that may be ſaid to the contrary in this regulation; and to cauſe proceſs to be executed upon him for that purpoſe in the ſame manner as upon other individuals; but in ſuch caſes, the judges and magiſtrates are to record upon their proceedings their reaſons for deviating from the rules above preſcribed, which are to be conſidered as the general rules for iſſuing and executing ſuch ſummonſes and warrants; and in the ſummons or warrant they are to ſpecify, that it has been ſpecially ordered to be ſo executed, in virtue of the diſcretionary power veſted in them by this ſection; and

Diſcretionary power granted to the judges and magiſtrates to proceed in the uſual manner in ſpecial caſes, but to record their reaſons for deviating from this regulation.

and they are moreover ſtrictly enjoined to refrain from every unneceſſary exerciſe of that power.

The perſon of an officer of a ſalt chokey not to be removed under a decree without previous notice to the ſuperintending officer.

IX. If a decree ſhall be paſſed againſt an officer of a ſalt chokey, and the court ſhall order the decree to be enforced, recourſe may be had to his property; but his perſon, if attached, ſhall not be removed without previous notice being given to the party under whoſe ſuperintendence the officer acts, that another perſon may be immediately deputed to take charge of his place during his abſence.

# A.D. 1798. REGULATION V.

A REGULATION *for the further limitation of appeals to the court of sudder dewanny adawlut: for providing further security during appeals in certain cases: and for explaining and amending certain parts of the existing regulations relative to the fee payable to government on the institution of suits in the civil courts; and the fees of the pleaders in those courts: also for discontinuing the records of decided causes, required by Sections* X, *and* XIV, *of Regulation* XVIII, 1793.—PASSED *by the Governor General in Council, on the* 5*th July* 1798; *corresponding with the* 24*th Assar* 1205 *Bengal era; the* 7*th Sawun* 1205 *Fussily; the* 24*th Assar* 1205 *Willaity; the* 7*th Sawun* 1855 *Sumbut; and the* 19*th Mohurrum* 1213 *Higeree.*

BY Section II, Regulation XII, 1797, the decrees of the provincial courts are declared final to the amount of five thousand sicca rupees, in suits for money, or personal property only. This limitation has been found insufficient to answer effectually the purposes thereby intended; and the experience which the provincial courts have now had in the investigation of suits for land, and other

other real property, renders it no longer neceſſary to continue the diſtinction heretofore made in appeals, between perſonal property and its equivalent value in real property. The ſecurity, alſo, required from appellants by Section II, of Regulation XIII, 1796, though in moſt inſtances adequate to ſecure the party who may have obtained a judgment in his favor, either in a zillah or city court, or in a provincial court of appeal, from any ultimate loſs in conſequence of the ſuſpenſion of the execution of the decree during the appeal, may from unforeſeen delay in the deciſion in ſome caſes, and particularly where the judgment is for lakheraje land, be inſufficient for the purpoſes required. Doubts likewiſe have been entertained whether the fees on the inſtitution of ſuits, fixed by Section IV, Regulation VI, 1797, are intended to be levied on ſummary ſuits inſtituted under Regulation XLIX, 1793, and Regulations XIV, and XXXV, 1795; as well as how far the deciſions of the zillah and city courts in ſuch ſummary ſuits, are ſubject to an appeal to the provincial courts of appeal, and ultimately to the ſudder dewanny adawlut. Further, certain parts of Regulation VII, 1793, reſpecting fees of pleaders and the mode of calculating ſuch fees have been found not ſufficiently explicit, and otherwiſe defective: and it has alſo been found that the complete record of decided cauſes, required by Sections X, and XIV, Regulation XVIII, 1793, cannot be duly kept up without a very conſiderable annual expence; in conſideration of which, and as the neceſſity of ſuch record is in a great meaſure done away by Secton XIII, Regulation V, 1793, and Section XI, Regulation VI, 1793, (whereby the zillah, city, and provincial courts, are required to keep authenticated copies of all original papers tranſmitted by them in appeal) the Governor General in Council conſiders it expedient to diſcontinue the record in queſtion. For this purpoſe therefore, and to remedy the defects and obviate the doubts above noticed; as well as to make the further proviſions herein after ſtated, the following rules have been enacted, to be conſidered in force from the time of their promulgation (except where otherwiſe ſpecially provided) in the provinces of Bengal, Behar, Oriſſa, and Benares.

II. The

II. The rule contained in Section II, Regulation XII, 1797, whereby the decrees of the ſeveral provincial courts of appeal for money or perſonal property, not exceeding, in amount or value five thouſand ſicca rupees, are declared final, is hereby extended from the firſt of October next, to all decrees paſſed by the above courts in the provinces of Bengal, Behar, Oriſſa and Benares, reſpectively, for land or other real property not exceeding in value the ſum of five thouſand ſicca rupees, according to the uſual mode of eſtimating the value of ſuch property, viz. if the land be malguzarry (paying revenue to government) the annual produce of which as deſcribed in Section III, Regulation IV, 1793, may not exceed five thouſand ſicca rupees per annum; or if the land be lakheraje (exempt from the payment of revenue to government) the annual produce of which, as deſcribed in the abovementioned regulation, may not exceed five hundred ſicca rupees per annum; or, if the property adjudged be a houſe, tank, garden or real property of any other deſcription than the foregoing, the computed value of which may not exceed the ſum of ſicca rupees five thouſand. The above limitations are reſpectively to be conſidered ſubject to the general rule preſcribed in Section II, of Regulation XII, 1797, for determining what judgments are appealable: but nothing herein contained is to be underſtood to preclude an appeal to the ſudder dewanny adawlut in any caſes now appealable to that court, and which may be decided by the provincial courts of appeal before the firſt day of October next, nor is it meant to affect any of the exiſting rules relative to appeals, except in the limitation of the amount appealable, as herein provided.

Section II, of Regulation XII, 1797, extended from the 1ſt Oct. next, to decrees paſſed by provincial courts for land or other real property not exceeding in value five thouſand ſicca rupees.

Mode of eſtimating value in ſuch caſes.

General rule in Section II, Regulation XII, of 1797, applicable to the above limitations.

Not to preclude an appeal to the ſudder dewanny adawlut in caſes decided before the 1ſt October next.

III. Notwithſtanding the appellants in cauſes depending before the ſudder dewanny adawlut, and the provincial courts of appeal, may have entered into the ſecurity required of them by Section II, of Regulation XIII, 1796, thoſe courts are authorized, in caſes, wherein from delay in the deciſion, the ſecurity ſo given may appear inſufficient, on the application of the reſpondent or reſpondents in all ſuch caſes, to require any additional ſecurity which they may deem neceſſary to ſecure the party who may have obtained

Courts of appeal may in particular caſes require further ſecurity during appeals, if, on application of the parties, the ſecurity taken appear inſufficient.

obtained a judgment in his favor, from any loſs by the non-execution of ſuch judgment during the appeal; and in default of ſuch further ſecurity being given within a reaſonable period, to be fixed for that purpoſe, the courts are empowered to direct the judgment in queſtion to be carried into execution, in like manner as if no ſecurity had been given by the appellant; provided that in ſuch caſes good and ſufficient ſecurity, as preſcribed by the regulations, be given by the reſpondent, previous to his being put in poſſeſſion of the property in litigation.

In default of ſuch further ſecurity being given by appellants, the judgment to be executed.

Provided the preſcribed ſecurity be given by the reſpondent.

IV. In all inſtances wherein the plaintiff in a zillah or city court may obtain a judgment in his favor for land or other real property, and the defendant appealing therefrom to a provincial court, may be left in poſſeſſion of the property, under the ſecurity preſcribed by the regulations, any private transfer of ſuch property by ſale, gift, or otherwiſe, or any mortgage thereof which might be made by ſuch appellant during the appeal to the provincial court, or during a further appeal to the court of ſudder dewanny adawlut, would, in the event of the judgment againſt him being confirmed on the appeal, be of courſe, and is hereby declared to be, null and void: but as malguzarry lands (lands aſſeſſed with the public revenue) are in all caſes, by whomſoever poſſeſſed, held anſwerable for the public revenue aſſeſſed thereon, and as according to the general rules eſtabliſhed for the collection of the public revenue, ſuch lands, and alſo lakheraje lands, and other property appertaining to the ſame eſtate, may become liable to ſale by government, from the neglect of the party in poſſeſſion to diſcharge the revenue due therefrom, by which ſale, in caſes of appeal, the party to whom the property of the lands is ultimately adjudged, might, notwithſtanding be deprived of it, unleſs he purchaſed the ſame at the public ſale; to obviate all doubt reſpecting the right of the party making the purchaſe in ſuch caſes, it is hereby declared, that whenever any land or other property, for which a judgment may have been obtained in any of the eſtabliſhed courts of juſtice, but which, during an appeal from ſuch judgment by the party caſt, may be left in the poſſeſſion of the appellant, ſhall, while

Any private transfer or mortgage of land, or other real property, during appeals, declared null and void, in the event of the judgment againſt ſuch property being confirmed on the appeal.

Proviſion for the public ſale of the property adjudged, in ſuch caſes, on account of the public aſſeſſment.

Rights of reſpondent in ſuch caſes, who may purchaſe the property ſold by government, and ultimately adjudged to him on the appeal.

while ſuch appeal is pending, or before the ultimate judgment thereon be put in execution, be ſold by government to make good an arrear of the public revenue due from the appellant; and ſhall be purchaſed by the reſpondent; the party ſo purchaſing, in the event of ſuch property being finally adjudged to him on the appeal, ſhall be entitled to recover from the appellant, ſo left in poſſeſſion, the full amount of his purchaſe money, and of all expences attending the purchaſe ſo made by him, with intereſt thereon at the rate of twelve per cent per annum, in addition to any other ſum which may be adjudged due to him on account of the profits ariſing from the land, or other property in queſtion, anterior to the ſale. It is further declared that in the caſe above ſuppoſed, if the reſpondent ſhall not have purchaſed the land, or other property, ſold by government to make good an arrear of public revenue due from the appellant left in poſſeſſion thereof; and if the ultimate judgment on the appeal be in favor of ſuch reſpondent, he ſhall be entitled to recover from the appellant left in poſſeſſion the amount of the purchaſe money paid for the property ſo ſold, and adjudged to the reſpondent; with intereſt thereon at the rate of twelve per cent per annum, in addition to any other ſum which may be adjudged to him on account of the profits, ariſing from the property ſo ſold anterior to the ſale of it; unleſs the property in queſtion ſhall have been directly or indirectly purchaſed by the appellant himſelf, or in his behalf, at the public ſale; in which caſe, on clear proof thereof being made by the reſpondent to whom ſuch property may be ultimately adjudged, he ſhall be entitled to the poſſeſſion thereof, and to all profits ariſing therefrom, as may be directed by the decree in the caſe, notwithſtanding the fictitious ſale ſuppoſed.

Rights of reſpondent in ſuch caſes, who may not purchaſe the property ſold by government, and ultimately adjudged to him on the appeal.

V. The principles of the rules contained in the two preceding ſections, are to be conſidered equally applicable to caſes in which the plaintiff in a zillah or city court may be put in poſſeſſion of land, or other property adjudged to him, during an appeal, in conſequence of the defendant's failing to give ſecurity for ſtaying the execution of

Principles of the preceding ſection declared to extend to all ſimilar caſes whether the original plaintiff or defendant or the appellant or reſpondent, be left in poſſeſſion of the property du-

ing an appeal to the provincial courts, or to the ſudder dewanny adawlut, or to the King in Council.

of the decree as required by the regulations; and generally to all caſes in which the poſſeſſion of property may be transferred by the decree of any court of juſtice; from which decree an appeal may be depending in a ſuperior court; whether a provincial court of appeal; or the court of ſudder dewanny adawlut; or his Majeſty in Council, in the caſes for which an appeal to him is provided by Regulation XVI, 1797, and the act of parliament therein recited.

Proviſion for caſes wherein neither the appellant or reſpondent may be able to give the preſcribed ſecurity for ſtaying the execution of decrees during appeals.

VI. As caſes may occur wherein neither the appellant nor the reſpondent may be able to give the preſcribed ſecurity for ſtaying the execution of decrees, or for the execution thereof in favor of the plaintiff, as provided in Section II, of Regulation XIII, 1796, and Section III, of this regulation, it is hereby enacted, that in all ſuch caſes, the property adjudged, ſhall be held in attachment during the appeal, or until ſuch time as one of the parties may be able to give the required ſecurity, by the collector of the diſtrict wherein the land may be ſituated, at the expence of the party who may be ultimately declared entitled thereto; and under the proviſions contained in Regulation XLV, 1793, relative to the attachment of lands for ſale in purſuance of decrees of the courts of juſtice, as far as the ſame are applicable. No attachment, however, is to be made by any collector in the caſes herein ſuppoſed until he receive a precept, requiring him to make the ſame, from the zillah or city court wherein the original judgment in the cauſe may have been paſſed; which precept ſhall ſtate ſpecifically the property to be included in the attachment, and ſhall require the collector to continue the ſame till ordered to be withdrawn by a further precept from the court, to be iſſued either on the preſcribed ſecurity being given by one of the parties, or on the cauſe being finally determined.

The collectors, under certain reſtrictions, to hold the adjudged property in attachment, in ſuch caſes.

Explanation in what ſuits the inſtitution fee preſcribed by Section IV, of Regulation VI, 1797, was meant to be taken.

VII. The fees on the inſtitution of ſuits in the zillah and city courts fixed by Section IV, Regulation VI, 1797, having been eſtabliſhed with a view to regular ſuits tried under the rules preſcribed in Regulations III, and IV, 1793, and in Benares

under

under Regulations VII, and VIII, 1795, and not intended to be taken on ſummary ſuits for recovering the poſſeſſion or rent of land, inſtituted under Regulation XLIX, 1793, and Regulations XIV, and XXXV, 1795, the objects of which might be in part defeated by any conſiderable charge attending the ſummary proceſſes authorized by theſe regulations, at the ſame time that the judgments given under them are ſubſidiary to further regular ſuits, on which the preſcribed fees are payable; it is therefore hereby declared that no inſtitution fee is to be levied on any ſuits which may be inſtituted in the zillah or city courts after the receipt of this regulation either under Section III, of Regulation XLIX, 1793, (extended to Benares by Regulation XIV, 1795,) or under Section II, of Regulation XXXV, 1795: nor upon any appeals which may be preferred, after the receipt of this regulation, from the judgments of the zillah or city courts on the ſummary proceſs authorized by the above regulations. It is at the ſame time hereby declared, that as the ſummary proceſſes authorized by the above regulations are ſubſidiary to a regular ſuit in the zillah and city courts, no appeal is admiſſible againſt the judgments paſſed by the zillah and city courts under Sections III, IV, and V, Regulation XLIX, 1793, and Sections IX to XX (incluſive), of Regulation XXXV, 1795, except the ground of appeal be the irrelevancy of the regulations in queſtion to the caſe appealed, on which ground only the provincial courts are authorized to receive an appeal in ſuch caſes; and, after receiving it, are to diſmiſs the ſame with coſts if the ſtated ground of irrelevancy ſhall not appear to them eſtabliſhed. If, on the other hand, the regulations above referred to appear to them inapplicable to the caſe, they are to reverſe the irregular judgment given by the zillah or city court, and paſs ſuch further order thereupon as they may think juſt and proper; ſubject to a further appeal to the court of ſudder dewanny adawlut, or otherwiſe, according to the amount or value of the property in diſpute, and as the ſame may or may not be appealable to the ſudder dewanny adawlut under the general rule for appeals to that court. Provided further that nothing herein contained is to be underſtood to preclude a right of appeal in caſes

Not to be levied on any ſuits inſtituted, after receipt of this regulation, under Section III, of Regulation XLIX, 1793, or under Section II, of Regulation XXXV, 1795.

Nor upon any appeals from the judgments of zillah and city courts on ſummary proceſs, authorized by above regulations.

Limitation of appeals in ſuch caſes.

Irrelevancy of Regulations XLIX, 1793, and XXXV, 1795, the only admiſſible ground of appeal in the ſummary and ſubſidiary ſuits therein referred to.

Proviſo, reſerving a right of appeal in caſes

of forfeiture to government under Section VI, of Regulation XLIX, 1793. Proceſs to be obſerved in ſuch caſes.

caſes wherein land or crops may be adjudged by the zillah or city courts to be forfeited to government, under Section VI, Regulation XLIX, 1793. In caſes which may appear to come within that ſection, the vakeel of government is to ſue for the forfeiture on the part of government in the dewanny adawlut of the zillah or city wherein the land may be ſituated; and the judgment paſſed thereupon may be appealed to the provincial court; and eventually to the court of ſudder dewanny adawlut, or otherwiſe; according to the general rules preſcribed for appeals to that court; but particularly in Section XXII, Regulation IV, 1793, relative to judgments of forfeiture in caſes of reſiſtance to the proceſs of the zillah and city courts; the proviſions contained in which, as far as they regard ſuch judgments, are hereby declared applicable to caſes of forfeiture adjudged under Section VI, Regulation XLIX, 1793.

Inſtitution fees, fees on exhibits, and ſtamp duty, in ſuits for malguzarry land, to be hereafter levied on the annual produce, inſtead of the annual jumma of ſuch lands.

VIII. The annual produce of malguzarry lands, and ten times the annual produce of lakheraje land, to be calculated as preſcribed in Section III, Regulation IV, 1793, being made the ſtandard for appeals, as well to the provincial courts as to the ſudder dewanny adawlut, and for this purpoſe it being required to be ſtated both in the petitions of plaint preſented to the ſeveral courts, and in the decrees paſſed by them reſpectively; it has been judged expedient to adopt the ſame ſtandard for the inſtitution fees, fees on exhibits, and ſtamp duty, in ſuits for malguzarry lands, preſcribed by Sections IV, V, VI, VII, X, and XVII, Regulation VI, 1797; inſtead of calculating the ſame upon the annual jumma payable from the lands to government, as provided by the above ſections. The fees in queſtion are accordingly hereafter to be levied on the annual produce in ſuits for malguzarry land, inſtead of the annual jumma payable from the land to government, at the rates and under the rules ſpecified in the above ſections reſpectively; but this rule is not meant to be applied to any caſes wherein the preſcribed fees may have been paid, or become payable, before the receipt of this regulation.

IX. Such

IX. Such part of Section IX, Regulation VII, 1793, as prescribes the rates of fees to be allowed the pleaders of plaintiffs and defendants in the zillah or city courts, and of appellants and respondents in the provincial courts of appeal, and court of sudder dewanny adawlut, as well as such part of the above regulation as directs that the pleaders receive the fees in question on the amount of the annual jumma payable to government, if the suit be for land subject to the payment of public revenue; or if it be for land held exempt from the payment of public revenue, on the amount of the annual produce; is hereby rescinded: and in all suits determined in the zillah or city courts, or in the provincial courts of appeal, or in the court of sudder dewanny adawlut, after the receipt of this regulation, the fees of the pleaders therein are to be regulated according to the following section.

Part of section IX, Regulation VII, 1793, rescinded, respecting rates of fees to pleaders, and calculation of them on the annual jumma of malguzarry lands; and annual produce of lakheraje lands.

X. In all regular suits which may be hereafter tried in the zillah and city courts under the rules prescribed in Regulations III, and IV, 1793, or in the province of Benares, under the rules prescribed in Regulations VII, and VIII, 1795; as well as in all appeals from the judgments of the zillah or city courts in such suits, whether to the provincial courts of appeal, or to the court of sudder dewanny adawlut; and generally in all regular suits, whether tried in the first instance or in appeal, for the fees in which no other express provision may have been made, the pleaders of the plaintiffs and defendants, or appellants and respondents, respectively, are to be allowed for pleading the causes of their clients the rates of fees which were fixed for them by Section IX, Regulation VII, 1793, to be calculated as follows.

Fees of pleaders in all regular suits as well as in all appeals in such suits, to be hereafter allowed according to this section.

*First.* In suits for money, or personal property, or real property, not being malguzarry or lakheraje land, specified in the two following clauses.

How to be calculated in suits for personal property, or real property, not being malguzarry or lakheraje land.

On amount or value not exceeding one thousand sicca rupees, five per cent.

On amount or value exceeding one thousand, and not exceeding five

five thousand sicca rupees, five per cent on the first thousand, and four per cent on the remainder.

On amount or value exceeding five thousand, and not exceeding ten thousand sicca rupees, on five thousand as above, and on the remainder three per cent.

On amount or value exceeding ten thousand, and not exceeding twenty-five thousand sicca rupees, on ten thousand as above, and on the remainder two per cent.

On amount or value exceeding twenty-five thousand, and not exceeding fifty thousand sicca rupees, on twenty-five thousand as above, and on the remainder one per cent.

On amount or value exceeding fifty thousand, and not exceeding one hundred thousand sicca rupees, on fifty thousand as above, and on the remainder twelve annas per cent.

On amount or value exceeding one hundred thousand sicca rupees, on one hundred thousand as above, and on the remainder eight annas per cent.

In all the above calculations, where the amount or value may be in fractions of rupees, such fractions to be rejected in calculating the fees thereupon.

Mode of calculation in suits for malguzarry land.

*Second.* In suits for malguzarry land (land paying revenue to government) the fees to be calculated at the rates above specified on the annual produce of the land, to be estimated according to the rule prescribed in Section III, Regulation IV, 1793.

Ditto in suits for lakheraje land.

*Third.* In suits for lakheraje land (land exempted from paying revenue to government) the fees to be calculated at the rates above specified, on ten times the annual produce of the land, to be estimated as directed in Section III, Regulation IV, 1793.

Preceding sections not to affect Section XIII, of Regulation VII, 1793, or any part of that regulation, except what is noticed.

XI. Nothing in the preceding sections is to be understood to affect Section XIII, Regulation VII, 1793, respecting suits which may be withdrawn by the parties; or any other part of the above regulation, except such as is herein expressly noticed.

XII.

XII. The fees receivable by pleaders in the zillah and city courts in suits for the recovery of arrears of rent or revenue, instituted under Regulation XXXV, 1795, having been fixed by Regulation VIII, 1796, at one fourth of the fees established for the pleaders in regular suits by Section IX, Regulation VII, 1793, that proportion is to be allowed in such cases upon the rates established by Section X, of this regulation.

Fees in suits for rent or revenue, under Regulation XXXV, 1795, and Regulation VIII, 1796, to be calculated at one fourth of the fees established by Section X, of this regulation.

XIII. The principle on which the fees of the pleaders in suits for the recovery of rent or revenue, preferred under Regulation XXXV, 1795, were fixed at one fourth of the established fees for pleaders in regular suits, being equally applicable to the summary processes for recovering the possession of land, authorized by Regulation XLIX, 1793, (extended to the province of Benares by Regulation XIV, 1795,) in which pleaders may be employed, the provisions contained in Regulation VIII, 1796, with the explanation thereof in the preceding section, are hereby declared to be equally applicable to all suits which may be hereafter instituted under Regulation XLIX, 1793, or which may have been already instituted in conformity thereto, and shall not have been determined before the receipt of this regulation.

The same proportion of fees (one fourth of those in regular suits) to be allowed in summary suits for the possession of land, under Regulation XLIX, 1793.

XIV. By Section XIV, Regulation VII, 1793, the pleaders in the several courts are permitted to demand and receive a fee of four annas for every petition which they may present, or motion they may make in writing to the court, provided that the motion or petition shall not relate to any suit depending before the court, wherein the person in whose behalf they may present such petition, or make such motion, may be a party. But as particular cases may occur, wherein the above fee of four annas may not be a sufficient compensation to the pleader or pleaders employed therein, the several courts, whenever in their judgment such cases may occur, are authorized to award such additional fee as they may consider a just compensation to the pleader or pleaders so employed, on a review of his or their labour, considered with all the circumstances

Courts authorized to allow the pleaders such fee as they may judge adequate in particular cases, where the fee of four annas authorized by Section XIV, of Regulation VII, 1793, may appear insufficient.

And to cause payment thereof by either party in the case, as may be just and proper.

Provided that in such cases the compensation given shall never exceed one fourth of the established fee on regular suits.

cumstances of the case; and to cause payment thereof to be made either by the party in whose behalf such pleader or pleaders may have been employed, or by the opposite party in the cause; as may be deemed just and proper. Provided however, that the compensation given in such cases, shall in no instance exceed one fourth of the established fee which the pleader or pleaders would have been entitled to on a regular suit in the case in question.

Explanatory rule for the guidance of pleaders, that they are restricted from agreeing with their constituents to plead their causes for less than the established fees.

XV. Doubts having arisen whether pleaders employed under Regulation VII, 1793, are restricted from agreeing with their constituents to plead their causes for less than their established fees; and as a principal object in fixing the rates of fees for pleaders (namely to induce men of character and education to become pleaders in the courts of justice,) would be defeated by allowing such private agreement, the consequence of which would be that instead of a preference being given to superior qualifications and diligence, the most needy would probably engross the greater part of the business, whether qualified or otherwise; it is therefore hereby declared, that all agreements of the description above noticed, for paying or receiving less than the established fees, are to be considered null and void; and besides a forfeiture to government of the full fees payable by the plaintiff or defendant, appellant or respondent, who may be proved a party in such illicit agreement, any pleader who may be convicted of having been a party therein, shall be liable to immediate dismission from his office. This declaration, however, is not meant to have a retrospective operation in cases wherein from the voluntary acknowledgement of the parties, or otherwise, it may satisfactorily appear that they were not aware of the intention of Regulation VII, 1793, though no plea of this nature will be admissible in future; and any pleader in any pending suit, who may have entered into any agreement of the nature herein stated, under a misconstruction of the foregoing regulation, is required to declare the same immediately on the receipt of this explanatory rule, under the penalty above specified.

All such agreements declared null and void.

Under penalty of forfeiture of the fees payable, and dismission of the pleader proved a party thereto.

But this declaration not meant to be retrospective, in cases wherein the intention of the regulation may have been misunderstood.

Such cases however, to be reported on receipt of this explanatory rule under the penalty above specified.

XVI.

XVI. Sections X, and XIV, Regulation XVIII, 1793, are hereby rescinded. The judges of the zillah, city and provincial courts, are at the same time enjoined to be careful that the registers and books of proceedings, prescribed in the IV, IX, and XIII, Sections of the above regulation are duly kept, as therein directed; and that due attention be paid to the rules contained in the regulation in question for preserving the original records of their respective courts.

Sections X, and XIV, of Regulation XVII, XVIII, 1793, rescinded.

Judges of the zillah, city and provincial courts, to be careful, in observing Sections IV, IX, and XIII, of Regulation XVIII, 1793, and the rules in that regulation for preserving their original records.

# TITLES OF THE REGULATIONS

## *Passed in the Year*

## 1799.

### REGULATION

I.

A REGULATION *for declaring a general freedom of trade in Chunam and other articles on the frontier of Sylhet, subject to certain provisions. Passed on the 4th January,* 1799.

II.

A REGULATION *for monthly jail deliveries in the cities of Dacca, Moorshedabad, and Patna: and for declaring convicts who may escape from confinement during their sentences, liable to transportation. Passed on the 25th March,* 1799.

III.

A REGULATION *for postponing to the end of the Bengal year* 1204, *or to the 10th of April* 1798, *the operation of Section* XX, *Regulation* XXXV, 1793, *within the zillah of Sylhet. Passed on the 19th April,* 1799.

IV.

IV.

A REGULATION *for the trial of persons charged with crimes against the State. Passed on the 26th April,* 1799.

V.

A REGULATION *to limit the interference of the zillah and city courts of dewanny adawlut in the execution of wills; and administration to the estates of persons dying intestate. Passed on the 3d May,* 1799.

VI.

A REGULATION *prescribing rules for the guidance of all persons concerned in the provision of Opium on the part of government by agency; and for preventing the illicit cultivation of the poppy, and the illicit importation of, or traffic in, Opium. Passed on the 11th July,* 1799.

VII.

A REGULATION *for enabling proprietors and farmers of land to realize their rents with greater punctuality; for providing against unnecessary delay in the payment of the public revenue assessed upon the lands; and for securing the ultimate recovery of arrears of revenue by a sale of the landed property from which it may be due at the close of the year. Passed on the 29th August,* 1799.

VIII.

A REGULATION *for certain modifications of the Mahomedan law in cases of murder; and to explain parts of Regulation* XXI, 1795, *and Regulation* V, 1797, *in cases of Dhurna. Passed on the 10th October,* 1799.

## IX.

A REGULATION *for further providing against resistance to the processes of the civil courts in the cities of Dacca, Moorshedabad, and Patna; as well as against resistance to the processes of the civil courts in general.* *Passed on the* 10*th October*, 1799.

## X.

A REGULATION *to prevent delay in the transmission of the records of trials referred to the court of nizamut adawlut. Passed on the* 17*th October*, 1799.

# A. D. 1799. REGULATION I.

A REGULATION *for declaring a general freedom of trade in Chunam and other articles on the frontier of Sylhet, subject to certain provisions.*—PASSED *by the Vice President in Council on the 4th January 1799; corresponding with the 23d Poose 1205 Bengal era; the 13th Poose 1206 Fussily; the 23d Poose 1206 Willaity; the 13th Poose 1855 Sumbut; and the 26th Rajeb 1213 Higeree.*

ON the 8th October 1790, sundry resolutions were passed by the Governor General in Council, and published in the Calcutta Gazette, relative to the trade in chunam and other articles on the frontier of Sylhet. These resolutions, with some modifications, are now enacted as a regulation; which is to be considered in force from the date of its promulgation; and to supersede the resolutions abovementioned.

II. The trade on the frontier of Sylhet with the cosseas and other mountaineers, as well as with all other persons, is declared free to the native inhabitants of the district of Sylhet, as well as to all other natives of the Company's provinces; and to Armenians, Greeks and all other persons whatever not being British born subjects; as well as to such British born subjects as may be authorized by

Trade on the frontier of Sylhet declared free to all persons except unlicensed British subjects under the following restrictions.

by a licence from government to reside in the district of Sylhet. Provided with respect to all descriptions of persons, that the trade be carried on under the general restrictions contained in the following section.

No intercourse to be carried on with the country north west of the Surmah river.

III. *First.* In consequence of former disturbances and to prevent a renewal of them, no trade or intercourse whatever shall be carried on by any person resident in the Company's provinces with the country lying to the north west of the Surmah river.

The cosseas &c. not to be supplied with arms, ammunition &c.

*Second.* No person shall supply the cosseas or other hill people with arms, ammunition, salt petre, sulphur, or other articles of military store.

No armed men, excepting such as may be required for the personal safety of individuals, or for the security of their property, to be permitted to pass the Company's frontier.

*Third.* No burkundass or other armed men, belonging to individuals, (excepting such as may be indispensibly necessary for their personal safety or the security of their property) shall be allowed on any pretence to pass to or beyond Laour, or beyond any other part of the Company's frontier, especially beyond the Surmah river.

All contraband articles liable to seizure in the attempt to pass the frontier or cross the Surmah river against the prohibitions contained in the foregoing section;

and to be confiscated for the use of government.

Police officers authorized to search all boats &c. and in case of finding contraband articles, to send them to the magistrate who may declare them confiscated and report his proceedings to government.

IV. The magistrate of the district of Sylhet and his police officers are required to cause strict observance of the provisions contained in the foregoing section, and all contraband articles which it may be attempted to pass by any of the frontier stations against the prohibition contained in the second clause; as well as any property whatever which it may be attempted to transport beyond the Surmah river in opposition to the first clause, together with all boats, carriages or cattle, which may be employed for the conveyance thereof, are declared liable to seizure, and confiscation for the use of government. The police officers stationed at Laour and at the other frontier stations, are authorized to search all boats, carriages and carriage-cattle for the purpose of ascertaining whether they contain any of the above mentioned contraband articles; (detaining them no longer than may be absolutely necessary

ſary for this purpoſe;) and if any ſuch be found, they are to ſeize and ſend them with the boat, carriage or cattle uſed in the conveyance of them, to the magiſtrate of Sylhet; who ſhall make a full enquiry into the circumſtances of the caſe; and if he be ſatisfied that the articles ſeized are liable to confiſcation under this regulation, ſhall declare the ſame confiſcated and report his proceedings to the Governor General in Council, for his orders as to the diſpoſal of the property or otherwiſe. The magiſtrate ſhall alſo report to the Governor General in Council any inſtances of perſons, whether Britiſh ſubjects or others, acting in oppoſition to the third clauſe of the preceding ſection, for ſuch orders as may appear neceſſary; and any Britiſh ſubject or other European, as well as any Armenian, Greek, or other perſon whatever, not being a native inhabitant of the diſtrict of Sylhet, who may be found to have acted in oppoſition to any part of Section III, of this regulation, or who may be guilty of any miſconduct in his intercourſe with the hill-people, wlll be conſidered to have forfeited all title to remain in the above diſtrict, and be liable, at the pleaſure of Government, to be ſent to Calcutta.

Magiſtrate to report deviations from the third clauſe, and any perſon not being a native inhabitant of Sylhet found to have acted contrary thereto, may be ſent to Calcutta at the pleaſure of Government.

V. The police officers who may ſeize any property declared liable to confiſcation under the preceding article ſhall be allowed twenty-five per cent on the proceeds of the ſale thereof, and if the ſeizure ſhall have been made upon information from any other perſon the ſame reward ſhall be granted to the informer. Provided however, that if the property ſeized ſhall not be declared by the magiſtrate liable to confiſcation, the perſon or perſons who made the ſeizure, or who may have given any falſe information on which the ſeizure was made, ſhall be liable to be ſued for damages by the proprietor in the zillah dewanny adawlut.

Police officers entitled to twenty-five per cent on the proceeds of contraband property ſeized by them, and perſons giving information of ſuch property entitled to a ſimilar reward on the ſeizure thereof.

Perſons ſeizing or informing of goods not afterwards found liable to confiſcation may be ſued by the proprietors for damages.

VI. Provided alſo, that any perſon diſſatisfied with the magiſtrate's order for confiſcation under Section IV, ſhall be at liberty to ſtate his objections to the Governor General in Council, who will

Any perſon diſſatisfied with the magiſtrate's order for confiſcation may apply for relief to Government, who will either afford it or leave him

to seek it in the civil courts under Section XI, of Regulation III, 1793, which is extended to suits instituted under this regulation.

With this difference that the complainant may if he thinks proper commence his suit in the Dacca provincial court.

will afford such relief as may appear to him equitable or leave the complainant to seek his remedy in the civil courts in the mode prescribed in Section XI, of Regulation III, 1793, which is hereby declared to extend to any suits against government which may be instituted for acts done under the present regulation; with this difference; that as the offices of judge and magistrate in the district of Sylhet, are vested in the same person, the party dissatisfied with the order of confiscation by the magistrate, and not obtaining relief from the Governor General in Council in the manner above provided, may, if he think proper, instead of suing government in the zillah dewanny adawlut as directed in Section XI, of Regulation III, 1793, commence his suit in the first instance before the Dacca provincial court of appeal; who are required to receive and proceed upon the same in conformity to the above section, provided the suit be in all other respects regularly instituted according to the general regulations.

All Europeans British born subjects and others permitted to reside in Sylhet, to enter into a bond rendering themselves liable to the jurisdiction of the zillah court in causes to any amount instituted by the inhabitants of the hills on or near the Company's frontier.

VII. All Europeans and other persons, not being British born subjects, are by the existing regulations, in common with the natives, declared amenable to the jurisdiction of the zillah courts; and British born subjects permitted to reside at a greater distance than ten miles from Calcutta are required by Section II, of Regulation XXVIII, 1793, (excepting the King's and Company's officers, and the civil servants of the Company,) to enter into a bond rendering themselves amenable to the dewanny adawlut within the jurisdiction of which they may reside, in all civil suits that may be instituted against them by the native inhabitants, for any sum of money or thing the amount or value of which shall not exceed five hundred sicca rupees. As the cosseas and other mountaineers on the frontier of Sylhet, from whom chunam and other articles of trade are purchased, could not, from their situation, prosecute claims upon British subjects for sums exceeding five hundred sicca rupees in the supreme court at Calcutta, such British born subjects as may be permitted to reside within the district of Sylhet (with the above exception of King's officers and civil

civil and military ſervants of the Company,) ſhall in addition to the form of bond preſcribed by Section III, of Regulation XXVIII, 1793, execute a bond of ſimilar tenor, but without the limitation of five hundred rupees, rendering themſelves amenable to the juriſdiction of the zillah dewanny adawlut in all civil ſuits for whatever amount or value that may be inſtituted againſt them by any of the inhabitants of the hills on, or contiguous to, the Company's frontier in Sylhet: and no Britiſh born ſubject, not being a King's officer, or in the civil or military ſervice of the Company, who may be now in the Sylhet diſtrict, or who may be hereafter permitted to proceed thither, ſhall be allowed to remain therein without entering into the bond hereby required; any refuſal to execute which is to be immediately reported by the zillah judge to the Governor General in Council, who will order the party to be ſent to Calcutta.

No Britiſh-born ſubject, not in the ſervice, to be permitted to reſide in Sylhet without entering into ſuch bond; the refuſal to execute which is to be reported to government, who will order ſuch perſon to be ſent to Calcutta.

VIII. The proviſions contained in this regulation render it unneceſſary for any trader, whether native, European, or otherwiſe, to apply for the perwannahs which have been heretofore granted by the collector or magiſtrate of Sylhet to the thannadar of Laour for the purpoſe of their being ſupplied with chunam; and all ſuch perwannahs are hereafter expreſsly forbidden to be iſſued as militating with the general freedom of trade meant to be eſtabliſhed by this regulation. But nothing herein contained is to be underſtood to reſtrict the magiſtrate of Sylhet from iſſuing ſuch inſtructions to the police darogah at Laour and to the other police officers within his juriſdiction, as he may conſider neceſſary to carry into full effect the ſeveral proviſions of this regulation; or to prevent diſagreements and breaches of the peace between the traders and hill-people on the frontier; ſo that ſuch inſtructions be not repugnant to this, or any other exiſting regulation.

Perwannahs heretofore granted to traders &c. to be diſcontinued.

# A. D. 1799. REGULATION II.

A REGULATION *for monthly jail deliveries in the cities of Dacca, Moorshedabad, and Patna: and for declaring convicts who may escape from confinement during their sentences, liable to transportation.*—PASSED *by the Vice President in Council on the 25th March 1799, corresponding with the 14th Cheyte 1205 Bengal era; the 4th Cheyte 1206 Fussly; the 14th Cheyte 1206 Willaity; the 4th Cheyte 1856 Sumbut; and the 17th Shawaul 1213 Higeree.*

BY Sections XIX, and XX, of Regulation XVI, 1795, a monthly jail delivery is directed to be held for the city of Benares; and the convenience of prosecutors and witnesses, who in the cities are frequently foreign merchants or other strangers, and cannot wait the period of a half yearly session without injury to their concerns, requires that the jail delivery of the cities of Dacca, Moorshedabad and Patna, should be also held monthly; in such manner as may be consistent with the due discharge of the duties of the

the courts of appeal. Moreover the frequent escape of convicts who are not liable to transportation under Section X, of Regulation IV, 1797, makes it necessary that this punishment should be added in cases of escape to deter future attempts. The Vice President in Council, has therefore enacted the following regulation, to be in force throughout the provinces of Bengal, Behar, Orissa, and Benares, from the 1st May 1799.

Jail deliveries of the cities of Dacca, Moorshedabad and Patna to be held monthly.

II. The jail deliveries of the cities of Dacca, Moorshedabad and Patna, instead of being held half yearly as prescribed in Section V, of Regulation III, 1798, are to be held monthly at the commencement of each English month, before the second or third judge of the respective courts of circuit who may be present after completing the circuit of the zillahs as directed in the above regulation; or, if both the second and third judges should be present, before them alternately, such jail deliveries, if there be only one judge present besides the senior judge, to be held on the days whereon the court of appeal may not sit; or in such manner, as may occasion the least possible impediment to the business of that court.

Before whom and in what manner to be held.

++ declared by Sect. V. Reg. II. 1804 to be meant to be extended to Benares.

In what cases, the jail delivery above directed, to be postponed.

III. If in any instance the circuit of the zillahs should be so protracted as to prevent the return of the second or third judge to his station before the commencement of the next circuit, whereby neither the second or third judge, or either of the law officers who attend the courts of circuit, may be left at the sudder station, the monthly jail delivery directed in the preceding section must necessarily be postponed till the return of one of the absent judges and law officers; but is to be held immediately on such judge's return; or as soon afterwards as circumstances may admit, and on every occasion when the monthly jail delivery of the three cities above mentioned cannot take place as directed, from whatever cause, the same is to be reported by the court of circuit, or senior judge, to the nizamut adawlut; who, in cases of indisposition or absence of the second or third judge, when the law officer may be

Report in such cases, to be made to the nizamut adawlut.

be present with the senior judge, or in any other case in which it may appear advisable, are empowered to authorize the senior judge to hold the city jail delivery for the current month, in such manner as may not impede his discharge of the duties which he is required to perform in the provincial court of appeal during the absence of the other judges.

Who may authorize the senior judge to hold the jail delivery for the current month.

IV. The provisions in the two foregoing sections, as far as they respect the mode of holding the monthly jail deliveries in the cities of Dacca, Moorshedabad, and Patna, are to be considered equally applicable to the city of Benares; and the half yearly reports of prisoners confined under sentence, required by Section XXX, of Regulation IX, 1793; are to be transmitted by the magistrates of the four cities on the 20th July, and 20th January; viz. the former made up to the 30th June, and the latter to the 31st December of each year.

Provisions in Sections II, and III, respecting mode of holding jail deliveries, extended to city of Benares.

Periods for transmission of half yearly reports by judges of the four cities.

V. Any convicts sentenced to imprisonment by the courts of circuit or by the nizamut adawlut, who during the period of their sentences, may escape from jail or other place of confinement, or from the roads, or any other place where they may be employed; and who may be reapprehended, shall not only be liable to be kept in confinement the full term of their sentences, exclusive of the time which may have elapsed from the period of their escape till their reapprehension; but are also declared liable to transportation to some place beyond sea by order of the nizamut adawlut, either during the remaining period of their sentences, or for a longer period if the nizamut adawlut shall, on consideration of the circumstances of the case, judge it proper to direct the same. The zillah and city magistrates are to report to the nizamut adawlut all cases which may fall within this section, with their proceedings on the escape and reapprehension of the prisoner; and their opinion whether his transportation should be extended beyond the period of his sentence or otherwise.

Convicts sentenced by courts of circuit, or nizamut adawlut, who may escape; to what punishment liable.

*Rescinded by Cl. first. Sect. IX Reg. LIII. 1803

Report to be made, in such cases, by zillah and city magistrates.

Guards, having the cuſtody of convicts who eſcape, to what puniſhment liable for neglect, or connivance.

VI. All guards of whatever deſcription, having the cuſtody of convicts who eſcape; and who may appear on the magiſtrate's enquiry to have been guilty of wilful neglect are to be immediately diſmiſſed from the public ſervice, and ſhould any connivance or further criminality appear againſt them, are to be committed or held to bail, according to the circumſtances of the caſe, for trial before the court of circuit; that, on conviction, they may receive the puniſhment which the law directs.

# A. D. 1799. REGULATION III.

A REGULATION *for postponing to the end of the Bengal year* 1204, *or to the* 10*th of April* 1798, *the operation of Section* XX, *Regulation* XXXV, 1793, *within the zillah of Sylhet.*—PASSED *by the Vice President in Council on the* 19*th April* 1799, *corresponding with the* 9*th Bysaak* 1206 *Bengal era; the* 29*th Cheyte* 1206 *Fussly; the* 9*th Bysaak* 1206 *Willaity; the* 29*th Cheyte* 1856 *Sumbut; and the* 12*th Zekaad* 1213 *Higeree.*

WHEREAS it appears by a representation from the judge of zillah Sylhet, that Regulation XXXV, 1793, prohibiting the currency of any gold or silver coin after the 10th April 1794, except the nineteenth sun gold mohur and nineteenth sun sicca rupee, was not promulgated in the above district before the month of September 1797, or Assin 1204 B. S. and that in consequence bonds and other engagements were contracted till that period in the various species of rupees current within the zillah aforesaid, the amount of which by Section XX, of Regulation XXXV,

XXXV, 1793, is declared irrecoverable in any court of judicature; the Vice President in Council has therefore passed the following rule, to prevent injury from ignorance of the regulations in such cases; and to be in force in the above zillah only.

Section XX, of Regulation XXXV, 1793, not to have effect in zillah Sylhet until the 10th April 1798.

II. Section XX, of Regulation XXXV, 1793, shall not have effect in the zillah of Sylhet until the 10th of April 1798, corresponding with the 30th Cheyte 1204 B. S.; the 22d Shawal 1212 Higeree; and the 10th Bysaak 1855 Sumbut; after which period the provisions contained in the said section and regulation, are to be considered in full force in that zillah, as in other parts of the province of Bengal.

# A. D. 1799. REGULATION IV.

A REGULATION *for the trial of persons charged with crimes against the State.*—PASSED *by the Vice President in Council on the 26th April 1799, corresponding with the 16th Bysaak 1206 Bengal era; the 7th Bysaak 1206 Fussily; the 16th Bysaak 1206 Willaity; the 7th Bysaak 1856 Sumbut; and the 19th Zekaad 1213 Higeree.*

WHEREAS under the rules eſtabliſhed for the ordinary adminiſtration of criminal juſtice in theſe provinces, the trials of perſons charged with offences are held before one judge of the ſeveral courts of circuit, and the law officer appointed to ſit with him; and whereas in particular caſes when the crime charged may be treaſon, rebellion, or other offence againſt the State, it may be expedient that the perſons ſo charged ſhould be brought to an immediate trial before all the judges of the court of circuit to which the parties may be amenable; or before a ſpecial court to be convened by the Executive Government for that purpoſe; the following rules have therefore been enacted by the Vice Preſident in Coun-

cil

cil, to be in immediate force throughout the provinces of Bengal, Behar, Orissa, and Benares.

Executive Government may convene courts for the immediate trial of persons charged with crimes against the State.

II. In all cases, in which a person subject to the ordinary jurisdiction of the courts of circuit, shall be charged with treason, rebellion, or other crime against the State, the Governor General in Council, or the Executive Government at Fort William for the time being, shall be competent to order the person or persons, so charged, to be brought to immediate trial before all the judges of the court of circuit, to which such person or persons may be amenable; or before any other special court, which it may be judged expedient to appoint for this purpose, consisting of three judges, and two Mahomedan law officers; or such other number of judges and law officers, as may be thought proper.

Courts so convened to proceed in the ordinary manner and to exercise all the powers vested in the courts of circuit, except that their sentences are to be reported to the nizamut adawlut previous to their being carried into execution,

and

In all cases not provided for by the regulations to be guided by special orders.

III. The courts convened under the preceding section, whether composed of the judges of the courts of circuit, or otherwise, are to try the prisoners brought before them in the same manner as they would have been tried before the ordinary courts; and shall exercise all the powers and authorities vested in the courts of circuit by the regulations; except that their sentence whether of acquittal or punishment, shall in every instance be reported with their proceedings to the court of nizamut adawlut, previous to carrying the same into execution; and they are to be guided as to the place where they are to assemble; the persons to be tried by them; and all other particulars not provided for in the regulations, by the special orders which they may receive from the Executive Government, or from the court of nizamut adawlut.

Provision for the death or absence of any of the judges, or the law officers of the court.

IV. In case of the death, or of the absence from indisposition or other cause, of any of the judges, or law officers of the courts which may be appointed to try offenders under this regulation, the remaining judge or judges, or law officer or officers, shall be competent to form a court, and proceed with the trial or trials, until provision can be made by the Governor General in Council, to

or by the Executive Government for the time being, for ſupplying the place of ſuch judge or judges, or law officer or officers, if any ſuch proviſion ſhall be deemed neceſſary; or, if no ſuch proviſion be made, the powers and proceedings of the ſaid courts ſhall not be affected by the death or abſence of ſuch judge or judges, or law officer or officers, any more than if the ſame had never taken place.

Nizamut adawlut to report their ſentence and the whole of the proceedings to the Executive Government and await their orders.

V. The nizamut adawlut on the receipt of any trials referred to them under this regulation, are to proceed thereupon according to the rules in force with reſpect to other trials referred to them; except that they are in every inſtance to report their ſentences, with the whole of the proceedings held upon the caſe, to the Governor General in Council, or to the Executive Government for the time being; and are to wait the orders of Government before they direct their ſentence to be carried into execution.

Magiſtrates to aſſiſt in expediting the trials. If any perſons ſhall be charged before them in the firſt inſtance, with crimes againſt the State, they are to report the ſame to Government and to pay ſtrict attention to the orders of the Executive Government thereon.

VI. The magiſtrates of the ſeveral zillahs, and cities, are enjoined to give their utmoſt aſſiſtance, as far as may depend on them, in expediting the trial of all perſons charged with the crimes mentioned in this regulation; and in the event of any perſon or perſons being charged with ſuch crimes before them in the firſt inſtance, they are to give immediate notice thereof to the Governor General in Council, for his orders. The magiſtrates are alſo required to pay immediate and ſtrict attention to all orders which may be tranſmitted to them by the Executive Government, for the apprehenſion of perſons charged as aforeſaid, or for making any enquiry reſpecting ſuch perſons, or for committing them to take their trials before the ordinary courts of circuit, or before the ſpecial courts deſcribed in this regulation.

# A. D. 1799. REGULATION V.

A REGULATION *to limit the interference of the zillah and city courts of dewanny adawlut in the execution of wills; and administration to the estates of persons dying intestate.*—PASSED *by the Vice President in Council on the* 3*d May* 1799, *corresponding with the* 23*d Bysaak* 1206 *Bengal era; the* 14*th Bysaak* 1206 *Fussily; the* 23*d Bysaak* 1206 *Willaity; the* 14*th Bysaak* 1856 *Sumbut; and the* 26*th Zekaad* 1213 *Higeree.*

DOUBTS having been entertained to what extent, and in what manner, the judges of the zillah and city courts of dewanny adawlut in the provinces of Bengal, Behar, Orissa and Benares, are authorized to interfere in cases wherein the inhabitants of the above provinces may have left wills at their decease, and appointed executors to carry the same into effect; or may have died intestate, leaving an estate real or personal; with a view to remove all doubts on the authority of the zillah and city courts in such cases; and to apply thereto, as far as possible, the principle prescribed in Section XV, of Regulation IV, 1793; viz. that in suits regarding succession and inheritance, the Mahomedan laws with respect

respect to Mahomedans, and the Hindoo laws with regard to Hindoos, be the general rules for the guidance of the judges; the Vice President in Council has passed the following regulation, to be considered in force from the period of its promulgation in the above provinces respectively.

Executors to Hindoos, Mahomedans, and others not being disqualified landholders, may take charge of the estate of the deceased, and proceed in execution of their trust, without any application to the judge, or other officer of government.

II. In all cases of a Hindoo, Mussulman, or other person subject to the jurisdiction of the zillah and city courts, having at his death, left a will, and appointed an executor or executors, to carry the same into effect, and in which the heir to the deceased may not be a disqualified landholder, subject to the superintendence of the court of wards under Regulation X, 1793, or any other regulation, relative to the jurisdiction of the court of wards, the executors so appointed are to take charge of the estate of the deceased, and proceed in the execution of their trust, according to the will of the deceased, and the laws and usages of the country, without any application to the judge of the dewanny adawlut or anyother officer of Government, for his sanction; and the courts of justice are prohibited to interfere in such cases, except on a regular complaint against the executors for a breach of trust, or otherwise, when they are to take cognizance of such complaint, in common with all others of a civil nature, under the general rule contained in Section VIII, of Regulation III, 1793; and proceed thereupon according to the regulations; taking the opinion of their law officers upon any legal exception to the executors; as well as upon the provision to be made for the administration of the estate in the event of the appointed executor being set aside; and generally upon all points of law that may occur; with respect to which the judge is to be guided by the law of the parties as expounded by his law officers; subject to any modifications enacted by the Governor General in Council in the form prescribed by Regulation XLI, 1793.

Courts of justice prohibited to interfere in such cases, except on a regular complaint.

To proceed on such complaint according to the regulations, taking the opinion of their law officers on all points of law.

Heirs of persons dying intestate, entitled to succeed to the whole estate

III. In case of a Hindoo, Mussulman, or other person subject to the jurisdiction of the zillah or city courts, dying intestate;

tate; but leaving a ſon or other heir, who by the laws of the country may be entitled to ſucceed to the whole eſtate of the deceaſed, ſuch heir, if of age and competent to take the poſſeſſion and management of the eſtate, or if under age, or incompetent, and not under the ſuperintendence of the court of wards, his guardian, or neareſt of kin, who by ſpecial appointment or by the law and uſage of the country may be authorized to act for him, is not required to apply to the courts of juſtice for permiſſion to take poſſeſſion of the eſtate of the deceaſed as far as the ſame can be done without violence, and the courts of juſtice are reſtricted from interference in ſuch caſes, except a regular complaint be preferred, when they are to proceed thereupon according to the general regulations.

(and not ſubject to the court of wards), or their guardians not required to apply to courts of juſtice for permiſſion to take poſſeſſion of the eſtate as far as can be done without violence.

And courts of juſtice reſtricted from interference without a regular complaint.

IV. If there be more heirs than one to the eſtate of a perſon dying inteſtate, and they can agree amongſt themſelves in the appointment of a common manager; they are at liberty to take poſſeſſion; and the courts of juſtice are reſtricted from interference, without a regular complaint, as in the caſe of a ſingle heir; but if the right of ſucceſſion to the eſtate be diſputed between ſeveral claimants, one or more of whom may have taken poſſeſſion, the judge on a regular ſuit being preferred by the party out of poſſeſſion, ſhall take good and ſufficient ſecurity from the party or parties in poſſeſſion for his or their compliance with the judgment that may be paſſed in the ſuit; or, in default of ſuch ſecurity being given within a reaſonable period, may give poſſeſſion, until the ſuit may be determined, to the other claimant or claimants who may be able to give ſuch ſecurity; declaring at the ſame time that ſuch poſſeſſion is not in any degree to affect the right of property at iſſue between the parties; but to be conſidered merely as an adminiſtration to the eſtate for the benefit of the heirs, who may, on inveſtigation, be found entitled to ſucceed thereto.

More heirs than one, to the eſtate of an inteſtate, may appoint a common manager and take poſſeſſion, as in the caſe of a ſingle heir.

But if the right of ſucceſſion be diſputed, the judge, on a regular ſuit, to take ſecurity from the party in poſſeſſion;

Or, in default of ſuch ſecurity, may put the other claimants, giving it, in poſſeſſion.

Such poſſeſſion not to affect the right of property.

V. In the event of none of the claimants to the eſtate of a perſon dying inteſtate being able to give the ſecurity required by the preceding ſection, and in all caſes wherein there may be no

In what caſes the judge may appoint an adminiſtrator for the care and management of the eſtate of an inteſtate.

perſon

person authorized and willing to take charge of the landed estate of a person deceased, the judge within whose jurisdiction such estate may be situated, (or in which the deceased may have resided, or the principal part of the estate may lie, in the event of its being situated within two or more jurisdictions) is authorized to appoint an administrator for the due care and management of such estate, until, in the former case, the suit depending between the several claimants shall have been determined; or, in the latter case, until the legal heir to the estate, or other person entitled to receive charge thereof as executor, administrator, or otherwise, shall attend and claim the same; when if the judge be satisfied that the claim is well founded; or if the same be established after any enquiry that may appear necessary, the administrator appointed by the court shall deliver over the estate to him with a full and just account of all receipts and disbursements during the period of his administration.

And when such administration is to cease.

Security to be taken from administrators appointed under this regulation;

And in what manner their allowance is to be fixed.

VI. In all instances of an administrator being appointed under this regulation, he is previous to entering upon the execution of his office, to give good security for the faithful discharge of his trust in a sum proportionate to the extent thereof; and the judge appointing him is authorized to fix for him (subject to the approbation of the court of sudder dewanny adawlut, to whom a report is to be made in such instances) an adequate personal allowance to be paid out of the proceeds of the estate; and to be a per centage thereupon after deducting the expences of management.

Judges how to proceed in cases of persons dying intestate; leaving personal property to which there may be no claimant.

VII. The judges of the zillah or city courts, on receiving information that any person within their respective jurisdictions has died intestate, leaving personal property; and that there is no claimant to such property, are to adopt such measures as may be necessary for the temporary care of the property, and to issue an advertisement in the current languages of the country, requiring the heir of the deceased, or any person entitled to receive charge of his effects, to attend for this purpose; such advertisement to be published on the spot where the property was found; at the dew-

any adawlut cutcherry of the zillah or city, and, if ascertainable, at the dwelling place of the deceased; or if the deceased were an European, in the Calcutta Gazette; after which should any person attend and satisfy the judge of his title to the property, or to receive charge thereof as executor, administrator, or otherwise, the same is to be delivered up to him; on repayment of any necessary expence incurred in the care of it. Should no claim be preferred within the twelve months next ensuing, an inventory of the property and report of the circumstances of the case, is to be transmitted to the Governor General in Council for his orders.

Nothing in this regulation to limit, or alter, the jurisdiction of the court of wards.

VIII. Nothing in this regulation is to be understood to limit or alter the jurisdiction of the court of wards in the appoinment of managers, or guardians, for the disqualified landholders described in Regulation X, 1793, or in any case wherein a special power may be vested in the court of wards by the above or any other regulation.

# A. D. 1799. REGULATION VI.

A REGULATION *prescribing rules for the guidance of all persons concerned in the provision of opium on the part of Government by agency; and for preventing the illicit cultivation of the poppy, and the illicit importation of, or traffic in, opium.*—PASSED *by the Vice President in Council, on the* 11*th July* 1799; *corresponding with the* 29*th Assaar* 1206 *Bengal era; the* 24*th Assaar* 1206 *Fussily; the* 29*th Assaar* 1206 *Willaity; the* 24*th Assaar* 1856 *Sumbut; and the* 7*th Suffer* 1214 *Higeree.*

THE revenue arising from opium having considerably declined during the latter years of the late contracts for the provision of that article; the Governor General in Council, with a view of restoring and improving this important branch of the public resources, resolved that the opium should in future be provided by agency. The following rules for securing to government all the opium produced in the four provinces; for preventing the agents or their officers from compelling any person

any perſon to cultivate the poppy, or committing oppreſſion or injuſtice; for inſuring to perſons who may voluntarily enter into engagements for the cultivation of the poppy the full price of the opium which they may agree to deliver; for guarding the agents againſt fraud on the part of the cultivators; and for puniſhing perſons concerned in the illicit cultivation of the poppy, or in the illicit importation of, or traffic in, opium, are accordingly enacted, and are to be conſidered in force in the provinces of Bengal, Behar, Oriſſa and Benares.

Oath to be taken by the agents.

II. Every perſon who may be appointed an agent for the proviſion of opium on account of government, previous to entering on the execution of the duties of his office, ſhall take and ſubſcribe the following oath before the Governor General in Council, or any perſon whom he may commiſſion to adminiſter it:

"I A. B. ſwear, that I will render true and faithful accounts of the expenditure of the ſums which may be advanced to me, and of the opium produced whenever required; and that I will not at any time during my agency have any concern in opium, or derive any profit from my ſituation beſides my commiſſion, and the ſalary which ſhall be allowed to me; or knowingly ſuffer any of my officers or dependants to derive any advantages or profits, but ſuch as ſhall be duly allowed.

"SO HELP ME GOD."

The cultivation of the poppy prohibited, excepting on account of government.

III. The cultivation of the poppy in the provinces of Bengal, Behar, Oriſſa, and Benares, excepting on account of government, or with their ſanction, is prohibited.

Settlement to be made annually in writing with the ryots who may chooſe to cultivate the poppy.

IV. The agents employed by government in the proviſion of opium, ſhall annually, in due time, previous to the proper period for iſſuing the advances, make a ſettlement with the ryots who may chooſe to engage to cultivate the poppy, of the prices to be paid for the opium in the enſuing ſeaſon. In this ſettlement, the rate

rate per ſeer in ſicca rupees, as well as the weight of the ſeer, according to the number of ſicca weight peculiar to the ſeer of each pergunnah, are to be ſpecified. On the completion of ſuch ſettlement, a copy and a tranſlation of it, ſhall be forthwith ſent to the board of trade for their conſideration; and on the agents receiving their approval of it, the advances ſhall be iſſued agreeably to the prices therein ſtated; and copies of the ſettlement ſhall be ſent by the agents to the ſeveral judges within whoſe juriſdiction the poppy is cultivated, to be fixed up in their court rooms; and the price ſettled for each pergunnah ſhall alſo be publiſhed by the agent in the pergunnah to which it relates.

V. It is left to the option of every perſon to enter into engagements for the cultivation of the poppy on account of government at ſuch prices as may be ſettled for the produce, or to decline the cultivation of it altogether.

Ryots may either enter into engagements to cultivate the poppy on account of government, or decline cultivating it altogether.

VI. The agent, or a perſon deputed by him, at the ſeaſon of ſowing the poppy, is to take engagements from the cultivator, for the ſpecific number of begahs agreed to be cultivated, and the cultivator ſhall be bound to cultivate that number of begahs, or be liable to a penalty of three times the amount advanced on each begah, and proportionably for any part of a begah, not ſo cultivated. When the poppy ſhall be full grown, the agent is to depute a perſon, who ſhall proceed with the cultivator into the field, and with the aſſiſtance of two or three other creditable cultivators, form an eſtimate of what ſuch field is to produce, whereupon the grower is to enter into an engagement to deliver ſo much; and, ſhould the field produce more, to deliver that alſo *pro rata*.

Nature of the engagements which the agents are to take from the cultivators of the poppy.

VII. Officers of every deſcription in the employ of the agents, are prohibited from taking or receiving any fee, gratuity, perquiſite, or allowance, either in money or effects under any pretence whatever, from any ryot or other perſon employed or concerned in the cultivation or manufacture of opium; and if any ſuch deſcrip-

Officers of any deſcription in the employ of the agents prohibited from taking any gratuity on any pretence whatever from any one concerned in the manufacture of opi-

tion

tion of perſon ſubject to the authority of the agent, ſhall be convicted of diſobedience to this prohibition, he ſhall be compelled to pay four times the amount or value of ſuch money or effects to the party from whom the ſame ſhall have been taken or received, and be diſmiſſed from his office.

tion, and if convicted of diſobedience to this prohibition, to pay four times the amount taken, and to be diſmiſſed from their offices.

VIII. The weights and ſcales made uſe of in the kotees, or warehouſes, in the different pergunnahs, for weighing the opium received from the ryots, are to be ſealed with the ſeal of the magiſtrate of the diſtrict, and examined annually by him, or by ſuch perſon as he ſhall think proper to appoint for that purpoſe, during the month of January. The agents, or their officers, making uſe of weights or ſcales not ſo ſealed, or of uneven ſcales or incorrect weights, although ſealed, will be liable to ſuch fine as the magiſtrate may think proper to impoſe. The opium ſhall be fairly weighed in the preſence of both parties, by the beam being properly ſuſpended to a triangle, or wooden ſtand, or fixture, and every other mode of weighing will be conſidered as illegal.

Weights and ſcales for weighing the opium, to be ſealed by the magiſtrate of the diſtrict.

IX. In the event of the cultivator failing to deliver the full quantity of opium agreed for by him in the manner ſpecified in Section VI, the following proceſs is to be obſerved. If the agents ſhall ſuſpect, or believe, the cauſe of failure to be in the wilful neglect or embezzlement of the ryot, they are to complain to the judge of the dewanny adawlut of the juriſdiction. If it ſhall be proved to the ſatisfaction of the judge that the failure has been owing to neglect, he is to award that the ryot ſhall reſtore the proportional advance with intereſt at the rate of twelve per cent. per annum. If it ſhall be proved to the ſatisfaction of the judge that the failure has originated in embezzlement, or from the ryots having otherwiſe diſpoſed of the opium, the judge is to puniſh ſuch offence by impoſing a fine of four ſicca rupees per ſeer, and confiſcating the opium, where it can be ſeized; and where it cannot be ſeized, by impoſing a fine of ten ſicca rupees per ſeer, to be levied by the proceſs preſcribed by the regulations for enforcing

Stipulations concerning ryots who may not deliver the full quantity of opium agreed for.

ing decrees. Any opium ſo confiſcated is to be delivered to the agent on his granting a receipt for it, and any fines ſo levied are to be appropriated to government in the opium department.

X. In caſes where the ryots ſhall deliver the opium in too liquid a ſtate, or not inſpiſſated to what is deemed by experienced perſons the proper ſtate of conſiſtence, the agents, or their officers, are to appoint two or more creditable opium growers to decide on their dherm, or conſcience, what ſurplus quantity, or keirdah, ſhall be taken as an equivalent for the over weight ariſing from ſuch want of conſiſtence, and the parties ſhall abide by their award, unleſs it ſhall be proved to the ſatisfaction of the judge, that the arbitrators have been guilty of partiality.

Agents or their repreſentatives how to proceed againſt cultivators who mix water with the crude opium.

XI. Where the crude material ſhall be delivered in by the growers in an adulterated ſtate, as by the mixture of foreign ingredients, the agents or their officers may immediately ſeize on, and declare the ſame confiſcated, ſealing it up, at the ſame time, in the preſence of the ryot, and under his mark, and in the preſence of two or more creditable witneſſes, depoſiting it alſo in a ſecure and ſeparate place, and leaving the ryot to have recourſe againſt them to the judicial power; for which purpoſe, they are to keep the ſaid opium, thus ſealed up for three weeks, and if, in that time, the ryot ſhall not lodge his complaint, it ſhall not afterwards be heard; and the agents ſhall then open the ſaid opium and report the particulars of the caſe to the board of trade for their orders.

Agents how to proceed where cultivators deliver in adulterated opium.

XII. If any zemindar or other proprietor of land, or any farmer of land, or their repreſentatives, ſhould exact more from the ryots on account of their poppy lands, than the eſtabliſhed rates, the agent or the ryot from whom ſuch exactions may be made, is to be at liberty to proſecute the perſon guilty of ſuch exactions before the judge, who ſhall forthwith enquire into the ſame, and grant redreſs.

Proprietors and farmers of lands how to be proceeded againſt in caſe they attempt to encreaſe the rents of the poppy lands.

XIII.

Disputes regarding matters not provided for in the preceding articles to be determined in the courts of justice.

XIII. If any disputes should arise between an agent or any of his officers, and any person, relative to the cultivation, provision or transportation of opium, not provided for in the preceding articles, either party is to be at liberty to apply for redress to the court of dewanny adawlut of the zillah, the judge of which will pass such decision as he may think equitable, upon a consideration of the circumstances of the case.

Judges to take cognizance of all causes respecting opium, in preference to any other suits.

XIV. The judges of the dewanny adawlut of the several zillahs are to take cognizance of all causes, respecting opium, instituted by an agent or by his representative, against the ryots, or others concerned in the provision or manufacture of that article, or by the latter against the former, and proceed to try and decide upon the same in preference to any other suits which may be pending in their courts; and they shall award damages against the party cast according to the circumstances of the case, and the usages observed in all other suits.

Penalty to which persons are declared liable who may cultivate the poppy in opposition to this regulation.

XV. Any person who shall cultivate the poppy in opposition to Section III, of this regulation, will be subject to the undermentioned penalty. The opium agents, and their officers, or any other officer of government, shall be at liberty to attach the crop of poppies so cultivated, and to collect the opium which it may produce on account of government, reporting the case to the board of trade for their instructions as to the disposal of the opium; and the cultivator shall be liable to pay upon the quantity of opium so collected, a penalty at the rate of four sicca rupees per seer.

All opium declared contraband and liable to confiscation, excepting that advanced for by the Company or sold by their authority.

XVI. The importation of opium the produce or manufacture of the territories of the Nabob Vizier, or of any foreign country, into either of the provinces of Bengal, Behar, Orissa, or Benares, having been prohibited by Section VII, Regulation I, 1797, all opium, excepting that for which advances may be made by the Company, or sold by their authority, will be considered as contraband opium, and shall be liable to seizure and confiscation.

XVII

XVII. All perſons who may be proved to have purchaſed contraband opium, or in whoſe poſſeſſion contraband opium may be found, ſhall be liable to the ſame fines as are directed by Section IX, to be impoſed on ryots ſelling or embezzling opium viz. four ſicca rupees, in addition to the confiſcation of the opium when it can be ſeized, and when it cannot be ſeized, ten ſicca rupees per ſeer, to be recoverable in the dewanny adawlut. Zemindars or other proprietors of land, or farmers of land, holding farms immediately of government (when not themſelves the purchaſers or poſſeſſors of the opium), are declared liable to the like penalty of ten ſicca rupees per ſeer, recoverable as above deſcribed, for all contraband opium which may be proved to have been ſold within the limits of their eſtates or farms with their connivance, or knowledge.

Penalty to which perſons are declared liable for being concerned in or conniving at illicit trade in opium.

XVIII. If any Britiſh ſubject ſhall be convicted to the ſatisfaction of the Governor General in Council, of having been concerned in any illicit trade in opium in oppoſition to this regulation, he ſhall, excluſive of the penalties preſcribed by it, be liable to forfeit the Company's protection, and to be ſent to Europe.

Britiſh ſubjects liable to be ſent to Europe for illicit trade in opium.

XIX. When any opium ſhall be ſeized it ſhall be delivered to the judge of the zillah or city, who is to iſſue a publication, notifying that if no claimants thereto ſhall appear within one month, it will be confiſcated. If any claimant ſhall in conſequence appear within the limited period, the judge is to inveſtigate and decide on his right to the opium, and in the event of his deciding againſt the claimant, or of no perſon appearing to claim the opium, he is to deliver it to the neareſt opium agent, or to the board of trade, when a receipt for the ſame will be granted.

Proceſs to be obſerved in confiſcating opium.

XX. The boats, or the bullocks or other cattle, and the carriages on which any contraband opium may be loaded, are here-

Boats, bullocks or other cattle and the carriages on which

by

Contraband opium may be loaded are declared liable to confiscation.

by declared to be liable to confiſcation; and they ſhall be delivered to the judge of the zillah or city with the opium with which they may be ſeized, that he may obſerve the ſame proceſs in reſpect to them, (excepting as to their ultimate diſpoſal,) as is preſcribed for the opium delivered into his charge, according to the preceding ſection. With regard to the diſpoſal of the boats, or the bullocks or other cattle, and the carriages above deſcribed, the ſame, after having been duly confiſcated, ſhall be ſold under the orders of the judge, who is to remit the proceeds to the neareſt opium agent, or to the board of trade, that the amount may be brought to the credit of government in the opium department.

A reward to be given to all perſons who may give information of opium illegally cultivated, ſold or tranſported within, or imported into, the provinces of Bengal, Behar, Oriſſa and Benares, provided the opium be confiſcated in conſequence of their information.

XXI. All perſons who may give information of opium illegally cultivated, ſold, or tranſported within, or imported into, the provinces of Bengal, Behar, Oriſſa and Benares, or of any deſcription of contraband opium, provided ſuch opium be attached and confiſcated in conſequence of their information, ſhall be entitled to a reward calculated at the rate of twelve annas per ſeer, of eighty ſicca weight, on the quantity of opium ſo attached; and alſo to one fourth of any fine that may be levied conformably to this regulation, in conſequence of the confiſcation of the opium in queſtion. All officers of government to whom the information may be given, and who may be immediately concerned in making the attachment, ſhall be entitled to an equal reward, that is to ſay, to twelve annas per ſeer on the opium confiſcated, and to one fourth of the fine levied, ſubject however to the diſcretion of the board of trade, to make the diſtribution of the reward to one or more perſons, as their conduct may reſpectively appear to merit.

Officers of government to be rewarded in caſe any attachment of ſuch opium be made wholly by them and not upon information.

XXII. In caſe any attachment ſhould be made of ſuch opium wholly by the officers of government, and not upon information, the perſons concerned in making ſuch attachment, ſhall be entitled to a reward of one rupee eight annas per ſeer, of eighty ſicca weight,

weight, on the quantity of opium confiſcated in conſequence, as well as to one half of any fine that may be levied thereupon.

Informers to receive one half of the fine of ten rupees per ſeer levied on contraband opium not ſeized.

XXIII. In any caſes in which the fine of ten ſicca rupees per ſeer ſhall be levied on contraband opium not ſeized, in conformity to Sections IX, and XVII, of this regulation, one half thereof ſhall be paid to the perſon in conſequence of whoſe information the fine ſhall have been ſo levied, whether he be an officer of government or not.

Informers to receive one quarter of the proceeds of any boats, bullocks, or other cattle and carriages that may be confiſcated.

XXIV. Informers will be entitled to one quarter of the proceeds of any boats, or of any bullocks, or other cattle, or carriages, which may be confiſcated in conſequence of their information, and the officers of government will be entitled to one quarter alſo, in caſes where information may have been given, and where none may have been given, to one half of ſuch proceeds.

Rewards will either be paid by the board of trade or opium agents as ſoon as poſſible after the confiſcations have been decided upon, or fines have been levied.

XXV. All perſons who may become entitled to any of the rewards granted by this regulation ſhall be paid the ſame either by the board of trade, or by the opium agents, as ſoon as poſſible after the confiſcation of the opium, boats, cattle, or carriages, ſhall have been duly decided upon, or the fines ſhall have been levied in the preſcribed manner.

Agent to have the option of executing or authorizing a perſon to execute the requiſite ſecurity, in caſes of ſuits inſtituted againſt ſubordinate officers.

XXVI. *Firſt.* In caſes in which a ſuit ſhall be inſtituted in the dewanny adawlut againſt any ſubordinate officer attached to an opium kotee, it ſhall be at the option of the agent to execute, or to cauſe one of his officers, or any perſon whom he may think proper, to execute the ſecurity required from defendants, and alſo the ſecurity directed to be taken for the fees of the authorized vakeel whom the defendant may entertain, or to leave the parties ſummoned to find ſuch ſecurities. In the latter caſe, if the officer of the court bearing the ſummons ſhall entertain any doubt of the reſponſibility of the ſecurity ſo offered, and the agent, or the head officer of a kotee, or other perſon empowered by the agent to become

come ſecurity, ſhall deem the ſecurity tendered to be ſufficient, the officer ſhall accept the ſecurity. If the agent, or the head officer of the kotee, or other perſon empowered by the agent, ſhall not deem proper to cauſe ſecurity to be given for the defendant, and the defendant himſelf ſhall not be able to find ſecurity which ſhall be deemed reſponſible, the agent, or the head officer of the kotee, is to cauſe the defendant to accompany the officer of the court to the court, that he may be dealt with in the ſame manner as other defendants not giving the required ſecurity.

Agent to empower certain perſons to execute ſuch ſecurities, and furniſh the judges with a liſt of perſons to empowered.

*Second.* The agent is to empower the head officer at each of the different opium kotees, and alſo an authorized vakeel of the dewanny adawlut, or any other perſon whom he may think proper to ſtation at the place at which the court may be held, to execute ſecurities for the perſons, and in the caſes, ſpecified in the preceding clauſe. The agent is to keep the judges furniſhed with a liſt of the perſons ſo empowered, ſpecifying alſo the place at which they may uſually reſide.

Agent to be reſponſible in ſuch caſes for the due performance of the conditions of the ſecurity, and

*Third.* In all caſes in which the agent, or his head officers empowered for that purpoſe, ſhall become ſecurity under the preceding clauſes for the appearance of any ſubordinate officer attached to an opium kotee, or for the fees of his vakeel, or ſhall declare any perſon whom the party ſummoned may offer as ſecurity, to be reſponſible, the agent is to be conſidered perſonally anſwerable for the due performance of the conditions of the ſecurity, in the event of the party for whom the ſecurity may be given, not performing them himſelf; or where the party himſelf ſhall have given the ſecurity, and it ſhall have been declared reſponſible by the agent, or the head officer of an opium kotee, in the event of the party or his ſurety not performing them. It will accordingly be the buſineſs of the agent to take care to employ creditable perſons only as head officers at the opium kotees to ſuperintend the buſineſs and become ſecurity, and to furniſh them with proper inſtructions, and to take ſuch ſecurity from them as he may

to be careful to employ creditable perſons only as head officers at the opium kotees, furniſhing them with proper inſtructions, and taking ſecurity for their good conduct.

may deem ſufficient to indemnify himſelf for the conſequences that may reſult from any abuſe which thoſe officers may commit in the exerciſe of their truſt.

Agents and their officers liable to be ſued in the dewanny adawlut for breach of regulations, under the reſtrictions herein ſpecified.

XXVII. The opium agents and their native officers of every deſcription, are declared liable to be ſued in the dewanny adawlut, by any perſons with whom they may uſe compulſion to make them receive the Company's advances, or by any perſons whom they may not pay for their opium according to their engagements, or by any perſons who may conceive themſelves injured by them in any reſpect in any matter relating to opium. In all ſuch caſes, whether the act complained of ſhall have been done by the agent, or by any of his officers, the party aggrieved is, in the firſt inſtance, to ſtate his complaint to the agent, and in the event of his refuſing to afford the required redreſs, or omitting to grant it within a reaſonable time, the complainant may then ſue the agent, whether the injury complained of ſhall have been done by himſelf, or by his officer. But the courts are not to receive any ſuit that may be preferred againſt an agent, or any of his officers, unleſs the complainant ſhall prove to the ſatisfaction of the court, by oath, or by any other mode which the court may deem ſatisfactory, that he applied in perſon or by vakeel to the agent for redreſs, and that he refuſed to afford the redreſs required, or omitted to grant it within a reaſonable time. Either party diſſatisfied with the award or deciſion of an agent, on any complaint made to him under this ſection, may appeal from it to the dewanny adawlut.

Suits inſtituted for acts not ſpecially ordered, to be defended by the party at his own riſk.

XXVIII. In ſuits inſtituted againſt an agent or any of his officers, under this regulation, and where the act complained of ſhall not have been done purſuant to ſpecial orders from the board of trade, or the Governor General in Council, the party complained againſt is to appoint one of the authorized vakeels of the court to defend the ſuit at his own riſk.

XXIX.

Agents may defend ſuits inſtituted againſt their officers, but to be reſponſible in ſuch caſes in the ſame manner as if the ſuit had been inſtituted againſt themſelves.

XX. The agents may take upon themſelves the defence of any ſuits which may be inſtituted againſt any of their officers, but in ſuch caſes, the agents are to be anſwerable for the decree of the court in the ſame manner as if the ſuit had been originally inſtituted againſt themſelves.

Civil proceſs to be iſſued to the agents under a ſealed cover and to be returned by them in like manner.

XXX. When any proceſs ſhall be iſſued by a court of civil judicature to an agent, the judge or the regiſter of the court, is to tranſmit the proceſs under a ſealed cover, addreſſed to the agent, in the form of a letter, and ſuperſcribed with his name and official appellation. The agent is immediately to acknowledge the receipt of the proceſs by an endorſement to that effect on the inſtrument, and to return it under a ſealed cover addreſſed to the judge or the regiſter of the court from which it may have iſſued.

Board of trade may make the agents, or their officers, reſponſible for coſts and damages decreed in certain caſes; ſuch deciſions, however, to be ſubject to appeal.

XXXI. Where the board of trade ſhall approve of deciſions given againſt an agent, or any of his officers, in ſuits in which they may have been engaged in their official capacity, and which may not have been proſecuted or defended by them purſuant to orders from the board, or the Governor General in Council, they are empowered to make the agent or his officer by whom the act complained of may have been done, reſponſible for the whole or any part of the coſts and damages awarded by the decree, or of the decree itſelf, if, upon a conſideration of the merits of the caſe, and of the conduct of the perſon againſt whom the decree may be given, or by whom the act complained of may have been done, they ſhall be of opinion that the Company ought not to be charged with all or any part of ſuch coſts or damages, or decree. But in ſuch caſes, the perſon whom they may ſo determine to hold reſponſible, may appeal the cauſe at his own riſk and coſt.

Board of trade may authorize appeals in caſes where they may be diſſatisfied with decrees.

XXXII. If the board of trade ſhall be diſſatisfied with a decree paſſed againſt an agent, or any of his officers, in ſuits in which they may have been engaged, either with or without their orders, or the orders of the Governor General in Council, they may authorize

thorize an appeal from it under the regulations; in which caſe, the appeal ſhall be carried on in the provincial court of appeal, and in the ſudder dewanny adawlut, (ſhould the cauſe be carried to the laſt mentioned court) by the vakeel of government, or by any other authorized vakeel of the court into which the cauſe may be brought, notwithſtanding any thing that may be ſaid to the contrary in any regulation paſſed prior to this date.

XXXIII. Security is not to be demanded from the agents or any head officer of a kotee, for their perſonal appearance in any ſuit in which they may be engaged in their official capacity: nor ſhall ſecurity be required from them for the payment of coſts or damages, or for the performance of the decrees or orders of the courts, as government will be reſponſible for cauſing the agents to anſwer to ſuch ſuits inſtituted againſt them, and to make good the decrees; and will hold them reſponſible for their head officers of kotees anſwering to ſuch ſuits preferred againſt them, and performing the decrees that may be paſſed therein. The agents may empower the head officers of kotees to become ſecurity.

Security for perſonal appearance not to be taken from the agents or head officers in ſuits in which they may be engaged in their public capacity, nor for coſts or damages.

XXXIV. The agents and the head officers of kotees ſhall not be liable to proſecution for official acts of their predeceſſors. But perſons who may be removed from the office of agent, or from the place of head officer of a kotee, are to carry on in the ſame manner as if they had continued in office, all ſuits inſtituted againſt them in their official capacity, unleſs the board of trade, upon a conſideration of the circumſtances of the caſe, ſhall deem it adviſable to order their ſucceſſors to carry on the ſuits. This rule, however, is not to extend to ſuits in which an agent, or head officer of a kotee, who may have been removed, ſhall have been engaged in virtue of orders from the board of trade, or the Governor General in Council. All ſuch ſuits are to be carried on by the agent for the time being, and at the riſk and expence of government.

The agents or head officers not liable to be ſued for the acts of their predeceſſors.

Rule for conducting ſuits pending againſt agents, or their head officers, after their removal.

Exception to the rule.

XXXV.

Communication by letter between the agents and their officers and their vakeels respecting suits in which they are concerned to be free of postage.

XXXV. To facilitate the communication between the agents and their officers of kotees, and their vakeels in the zillah or city courts, or the provincial courts of appeal, and the sudder dewanny adawlut, who may be entrusted with the conduct of any suits or appeals in which they may be engaged in their official capacity, either whilst they may continue in office, or after their removal, they are permitted to forward, free of postage, any instructions which they may have to transmit to their vakeels in those courts. The instructions are to be enclosed under a sealed cover directed to the vakeel. The instructions so sealed and directed, are to be transmitted, under a sealed cover, addressed to the register of the court in which the cause may be depending, and superscribed with the name and official appellation of the person dispatching it, or that which he bore when the cause of action arose. The register of the court, immediately on receiving the instructions, is to deliver them sealed to the vakeel to whom they may be directed. In like manner, the vakeels in any of the courts to whom the pleading of such suits or appeals may be committed by agents or their head officers of kotees, are authorized, either whilst their constituents remain in office, or after they shall have been removed, to forward any papers which they may have to convey to their constituents by the public dawk free of postage. The papers are to be enclosed in a cover sealed with the seal of the vakeel, and the judge, or the register to the court, is to transmit the papers so sealed, in a cover sealed and addressed to the person to whom they are to be forwarded, and superscribed with his official signature.

Rules in such cases.

Board of trade may take upon themselves the prosecution or defence of suits.

XXXVI. In cases in which the board of trade may judge it expedient, or in which they may receive orders for the purpose, from the Governor General in Council, they are to take upon themselves the superintendence of the prosecution, or defence, of any suit or appeal in which they, or their officers, may be engaged, either in a zillah or city court, or in a provincial court of appeal, or in the sudder dewanny adawlut, instead of leaving the superin-

tendence

tendence of the conduct of the suit or appeal to the agent or any of his officers, or dependents.

XXXVII. Neither the agents, nor their head officers of kotees, are to derive any advantage what ever from suits in the courts of justice in which they may be engaged, or in any wise concerned, in their official capacity. On the other hand, it is not intended, that the agents or their head officers of kotees, should sustain any loss in consequence of such suits, where their conduct may be adjudged to be conformable to the regulations, or may be approved by the board of trade, or the Govern or General in Council. The agents and their head officers, are accordingly to bring to the credit of the Company in their accounts, all sums whatever that may be adjudged to them by any of the courts of justice, and they are to note at the foot of their accounts, or in a separate account, or under a distinct head in their accounts, according as the board of trade may direct, all sums which they may disburse, or be adjudged to pay, on account of suits in which they may be engaged, or be concerned, in their official capacity; but no such disbursements or payments are to be considered as passed to the debit of the Company, until the previous sanction of the board of trade, or the Governor General in Council, shall have been obtained for that purpose, and until such sanction is procured, the agents or the officers making the disbursements or payments are to be held answerable for the amount.

No advantage to be derived by the agents or their officers from suits in their official capacity, nor are they to sustain any loss where their conduct has been consistent with the regulations.

Rules for bringing to account their receipts and disbursements in such cases.

XXXVIII. The rules in this regulation respecting agents for the provision of opium, are to be considered equally applicable to their assistants having the charge of the business, or to any other person being a covenanted servant of the Company, and intrusted with the superintendence of the provision of opium, whatever may be his official appellation.

Foregoing rules equally applicable to assistants, or others, in charge of the business of Agents.

XXXIX. If a ryot or any native employed or concerned in any respect in the provision of the Company's opium, shall deem himself aggrieved

Persons who may deem themselves aggrieved by acts in opposition to this regulation, are at

liberty to ſeek redreſs under Regulation III, Section XI, of 1793.

aggrieved by any act done in oppoſition to this regulation by an agent, or any covenanted ſervant of the Company, having the charge of the buſineſs of providing opium, purſuant to ſpecial orders from the board of trade, or from the Governor General in Council, he is declared to be at liberty to ſeek redreſs in the mode preſcribed in Section XI, Regulation III, 1793, with regard to acts done by any of the officers deſcribed in Section X, of that regulation, purſuant to orders from the board of trade, or from the Governor General in Council.

BENGAL SECRETARIAT LIBRARY

# A. D. 1799. REGULATION VII.

A REGULATION *for enabling proprietors and farmers of land to realize their rents with greater punctuality; for providing against unnecessary delay in the payment of the public revenue assessed upon the lands; and for securing the ultimate recovery of arrears of revenue by a sale of the landed property from which it may be due at the close of the year.*—PASSED *by the Vice President in Council on the 29th August 1799; corresponding with the 15th Bhadoon 1206 Bengal era; the 14th Bhadoon 1206 Fussily; the 15th Bhadoon 1206 Willaity; the 14th Bhadoon 1856 Sumbut; and the 26th Rubbee-ul-Awul 1214 Higeree.*

THE powers which the landholders and farmers of land paying revenue to government, are at present allowed to exercise for enforcing payment of the rents due to them from their undertenants, having in some cases been found insufficient, particularly where the crop not being in the immediate possession of the undertenant in arrear cannot be distrained and sold, under the provisions contained in Regulations XVII, 1793, and XXXV, 1795.

A conſiderable delay having alſo of late occurred in the payment of the public revenue due from many of the landholders, which though aſcribable in ſome inſtances to the cauſe abovementioned, can, in others, be imputed only to a want of good faith on the part of certain of the zemindars and other landholders, who taking advantage of the delay with which the proceſs for diſpoſing of their lands is unavoidably attended, have with-held payment of their inſtalments until the day appointed for the ſale, and in many inſtances, there is reaſon to believe, have bought in their lands, when ſold, in fictitious names or the names of irreſponſible dependents. Moreover the frequent and ſucceſſive ſales of land, within the current year having been found productive of material ill conſequences as well towards the land proprietors, and undertenants, as in their effect on the public intereſt in the fixed aſſeſſment of the land revenue. The Vice Preſident in Council, with a view to obviate the above injurious conſequences hereafter, and to eſtabliſh a more certain and eaſy proceſs for enabling landholders and farmers of lands to realize their rents, and the officers of government to enforce payment of the public revenue without having recourſe to ſales of land till the cloſe of the year, has enacted the following rules and proviſions to be in force throughout the provinces of Bengal, Behar, and Oriſſa; from the promulgation of this regulation in the ſeveral diſtricts reſpectively.

Landholders and farmers empowered by Section II, of Regulation XVII, 1793, to diſtrain for arrears of rent, authorized to delegate this power to their agent.

II. The zemindars, talookdars, and other landholders and farmers of land, empowered by Section II, of Regulation XVII, 1793, to diſtrain the crops, cattle, and other perſonal property of their undertenants for arrears of rent, are authorized to delegate to their naibs, gomaſtahs, and other agents, employed in the collection of their rents, the power of diſtraining in their behalf in the mode preſcribed by the regulations, under the reſponſibility declared in Section XXXII, of Regulation XVII, 1793, and the naibs, gomaſtahs, and other agents, to whom ſuch power may be delegated by their principals, are authorized to proceed for the recovery of arrears of rent due to their conſtituents in the ſame manner as

Agents to whom ſuch power may be delegated, authorized to levy diſtreſs for arrears of rent due to their conſtituents.

as the latter are authorized to proceed, subject to their own responsibility in addition to that of their principals, for any wilful deviation from the regulations: but it is hereby declared that neither the landholders and farmers themselves or their agents, are to be made liable to the penalties prescribed for a deviation from any part of Regulation XVII, 1793, or of Regulation XXXV, 1795, or of any other regulation relative to the distraining for land-rents, unless such deviation shall clearly appear to have been wilful and intentional, or to have proceeded from gross neglect and inattention to the rules prescribed for their guidance. Where no such wilful deviation or gross neglect shall appear, satisfaction to the party aggrieved for the actual damage sustained by him, from the prescribed process not having been strictly adhered to, shall alone be adjudged against the distrainer; nor shall any judgment be given for such damages if the distrainer can shew that he tendered sufficient amends to the party injured as soon as the irregularity in his proceedings was discovered, or at any time before the action for damages was brought against him, and that such tender was refused.

Subject to their own responsibility in addition to that of their principals.

Neither landholders, farmers, or their agents, liable to prescribed penalties except in cases of wilful deviation from, or gross neglect of, the regular process for distraining.

Where no wilful deviation or gross neglect may appear, satisfaction for actual damage only to be adjudged.

And not this, if distrainer can shew that he tendered sufficient amends.

III. Such part of Section V, Regulation XVII, 1793, as enacts that "underfarmers, ryots, and dependent talookdars, shall "not be considered to have defaulted until the arrears have been "ineffectually demanded from them, and also from their surety "if they shall have given security and the surety shall be forth-"coming" is hereby rescinded; and undertenants of every description are to be considered defaulters, for any arrears of rent withheld beyond the day on which the same may have become payable according to their kistbundies, or other engagements, or where there may be no written specification of the exact term of payment, beyond the period when the rent demandable from them may be payable according to established local usage. For all such arrears which may not be paid on demand, defaulters are declared liable to immediate distress whether the amount shall have been demanded from their sureties or otherwise. In instances wherein the

Part of Section V, Regulation XVII, 1793, rescinded.

Undertenants to be considered defaulters for any arrears of rent withheld beyond the day on which they become payable.

For such arrears not paid on demand, defaulters liable to distress.

Tenant to give notice of dis-

tress to his surety.

the distrainer may proceed to levy distress from an undertenant, who has given security, without having previously demanded the arrear from the surety, it will be incumbent on the tenant to give notice of the distress to his own surety so as to enable him to discharge the arrear before the sale of the property attached; or the distrainer, if he think proper, may give notice to the surety and require him to make payment of the arrear. The distrainer may also, at his option, distrain in the prescribed mode either the property of the defaulter or his surety, or the property of both, so that the whole distress be not excessive in proportion to the arrear; but no distress shall be levied on the property of the surety until the arrear shall have been ineffectually demanded from the defaulter; unless the latter shall have absconded or be otherwise not forthcoming; in which case, and in the event of the surety's not discharging the amount due on demand, distress may be levied from his property for the recovery of it, in like manner as if the defaulter had been present and served with the demand in the first instance.

Or distrainer may give notice to the surety and require payment from him.

Distrainer may also at his option distrain property of surety.

Or the property of both the defaulter and his surety; so that the distress be not excessive.

Provided the arrear be first demanded from the defaulter if forthcoming.

IV. The notice of fifteen days for the sale of attached property directed in Section VIII, of Regulation XVII, 1793, and the period of fifteen days from the time of attachment fixed for the sale of such property by Section V, of Regulation XXXV, 1795, are hereby rescinded: and the notice to the defaulter, directed to accompany the inventory of the attached property to be delivered to him, shall inform him only of the arrear due and the intention of the distrainer to bring the attached property to immediate public sale for the discharge of it, unless the amount and expences of attachment be previously paid. If the defaulter on receiving this notice shall neglect to pay the amount due from him, or to give such assurance of early payment as may be satisfactory to the distrainer, or if the defaulter shall have absconded or be otherwise absent, so that the notice cannot be served on him, the distrainer is to transmit an inventory of such part of the attached property as can be brought to immediate sale, to the nearest

Notice of fifteen days directed in Section VIII, of Regulation XVII, 1793, and period of fifteen days fixed by Section V, of Regulation XXXV, 1795, for sale of attached property rescinded. Future notice to be given to defaulters.

Inventory and particulars to be transmitted by distrainer to cau-

eſt cauzy or other public officer empowered to ſell diſtrained property, with a written requeſt that he will cauſe the ſame to be publicly ſold for the diſcharge of the arrear due, the amount of which is alſo to be ſpecified in the application, together with the place where the property may be in attachment; and if it be the intention of the diſtrainer to remove it, under the diſcretion veſted in him by Section XII, of Regulation XVII, 1793, the place to which ſuch removal is intended. The cauzy or other authorized officer, on the receipt of ſuch application, is to proceed as directed in Section V, of Regulation XXXV, 1795, under the following further proviſions, viz. inſtead of fixing the day of the ſale on the fifteenth day after the attachment, he ſhall fix as early a day for the ſale as may be compatible with a due obſervance of the other directions in the above ſection for the appraiſement of the property, and the publication of the intended ſale of it, which is to be made by beat of drum on one market day at the leaſt before the market day on which the ſale may take place, as well as on the morning of the day of ſale; and the ſale is in no inſtance to take place before the expiration of five complete days after the attachment, excluſive of the day on which the attachment may have been made. The ſame principle is to be obſerved with reſpect to the ſale of ungathered products after the diſtrainer ſhall have gathered and ſtored them, as required by Section XIII, of Regulation XVII, 1793, and which are not to be ſold until publication ſhall have been made as above directed. In conſequence of this alteration, which is made with a view to expedite the ſale of diſtrained property, diſtrainers, when they attach the property of perſons employed in the proviſion of the Company's inveſtment, or in the manufacture of ſalt, are to give the notice directed in Section XXXI, of Regulation XVII, 1793, as ſoon as poſſible after making the attachment; and in ſuch caſes the property is not to be ſold until ſufficient time has been given to enable the Company's officers to ſatisfy the demand before the day of ſale. The notice required by the above ſection however may, at the option of the diſtrainer

zy or other officers empowered to ſell diſtrained property.

Cauzy or other officer how to proceed on receiving application for the ſale of diſtrained property.

No ſale to take place before expiration of five complete days after the attachment.

Or after ſtoring products ungathered at the time of attachment.

Notice to commercial reſidents and ſaltagents, directed in Section XXXI, of Regulation XVII, 1793, to be given as ſoon as poſſible after attaching the property of perſons employed in the Company's inveſtment or manufacture of ſalt.

And ſufficient time to be allowed for ſatiſfying the demand in ſuch caſes.

But the required notice may be

given either to the commercial resident or salt-agent; or to the native superintendent of the factory or saltchokey.

distrainer, be either given to the commercial resident, or salt-agent, in whose division the defaulter may have been employed, or to the native superintendent of the factory or saltchokey to which the defaulter may be attached.

Commission to be drawn by officers authorized to sell distrained property, if the sale take place, but not otherwise.

V. As a compensation to the cauzies and other public officers empowered to dispose of property under distraint both for their personal trouble, and for the expence they may incur in publishing and making such sales, as well as in causing the attached property to be appraised as directed by Section V, of Regulation XXXV, 1795, they shall draw a commission of one anna in the rupee on the amount sales of the property sold by them; to be deducted from the proceeds, and charged to the account of the defaulter, with the other expences attending the attachment. But no such commission shall be drawn, nor any charge made to the defaulter beyond expences actually and necessarily incurred, in the event of the sale being stopped by his discharge of the arrear due from him, or otherwise. It is expected that this allowance to the officers entrusted with the sale of distrained property, will ensure the faithful discharge of the trust reposed in them; and any collusion with the defaulter, distrainer, or purchaser, or other misconduct in the execution of the duty committed to them, will render them liable to immediate dismission from their offices in the mode provided by the regulations, besides subjecting them to the other penalties therein specified, and full damages to the party injured.

Faithful discharge of trust expected in consequence of such allowance.

Punishment of collusion or other misconduct.

Recapitulation of Section VIII, Regulation XXXV, 1795.

VI. By Section VIII, of Regulation XXXV, 1795, the native commissioners appointed to determine suits not exceeding fifty rupees, under Regulation XL, 1793, are authorized and required to dispose of distrained property under the prescribed rules, on application made to them, and the zillah judges are empowered to appoint as many other persons as may be requisite for facilitating the sale of property under distraint for arrears of rent. It is therefore no longer necessary to vest the cauzies generally with the

Cauzies appointed under above section,

the powers delegated to them by Regulation XVII, 1793, and it is now declared that ſuch cauzies only ſhall be authorized to ſell diſtrained property, under the proviſions contained in Regulation XVII, 1793, and the ſubſequent rules in modification thereof, as may have been appointed commiſſioners for the trial of civil ſuits under Regulation XL, 1793, or who may be appointed commiſſioners for the ſale of diſtrained property under Section VIII, of Regulation XXXV, 1795. It is expected that the zillah judges will pay due regard to the character and qualifications of all perſons whom they may appoint under this regulation; and they are to furniſh the commiſſioners ſo appointed by them with commiſſions (ſunnuds) under their official ſeals and ſignatures in the following form:

or under Regulation XL, 1793, authorized to ſell diſtrained property; but no others.

Zillah judges to regard the character and qualifications of perſons appointed by them to ſell diſtrained property.

I A. B. judge of the dewanny adawlut of the zillah of in virtue of the powers veſted in me by Regulation XXXV, 1795, appoint you commiſſioner for the ſale of property diſtrained on account of arrears of rent, in purſuance of the above regulation, and of Regulations XVII, 1793, and VII, 1799. You are to reſide at in pergunnah ; and are to exerciſe the authority veſted in you by the above regulations, or by any others that may be hereafter tranſmitted to you for your guidance, in ſtrict conformity thereto, and are to keep a regular and complete record of your proceedings to be produced when called for.

Form of commiſſion given to the perſons ſo appointed.

VII. The commiſſioners for the trial of civil ſuits appointed under Regulation XL, 1793, and the tehſeeldars appointed by the collectors for the collection of the public revenue, who are authorized to ſell diſtrained property by Section XXIX, of Regulation XVII, 1793, are to be conſidered commiſſioners for the ſale of diſtrained property by virtue of their offices of commiſſioners for civil ſuits, and tehſeeldars, ſo long as they may continue to hold ſuch offices; and any ſeparate commiſſions to them for this purpoſe will not be requiſite: but the whole of the commiſſioners appointed

Commiſſioners for civil ſuits under Regulation XL, 1793, and tehſeeldars appointed by the collectors, to be conſidered commiſſioners for the ſale of diſtrained property by virtue of their offices.

But all commiſſioners for the ſale of diſtrained property are to furniſh any reports or information required from them by the zillah judges.

And no perſon receiving a commiſſion under Section VI, of this regulation, to be deprived of it whilſt reſident on the ſpot without the ſanction of the ſudder dewanny adawlut.

Rules for the appointment and removal of commiſſioners for civil ſuits under Regulation XL, 1793, declared applicable to the commiſſioners above referred to.

Judges of cities of Dacca, Moorſhedabad and Patna authorized to appoint commiſſioners for the ſale of diſtrained property within their reſpective juriſdictions.

Further penalties for reſiſtance to attachments for arrears of rent as preſcribed by the regulations.

Offenders liable to damages equal to twice the amount of the property reſcued from attachment.

And property taken away may be reattached wherſoever found.

Offender and all perſons concerned with him alſo liable to be apprehended and proſecuted for any breach of the peace.

Police officers how to act on information given in ſuch caſes.

pointed to ſell diſtrained property are at all times to furniſh any reports or other information that may be required from them by the zillah judges; and no perſon receiving a commiſſion under Section VI, of this regulation, is to be deprived of it, whilſt he may reſide on the ſpot, without ſufficient reaſon aſſigned to the ſatisfaction of the court of ſudder dewanny adawlut, to whom the zillah judges are to report all appointments made, and commiſſions iſſued by them under this regulation, in the ſame manner, and under the ſame rules, as have been preſcribed for the nomination and removal of Commiſſioners for the trial of civil ſuits by Regulation XL, 1793.

VIII. The judges of the cities of Dacca, Moorſhedabad, and Patna, are authorized to appoint any number of commiſſioners that may be requiſite for the ſale of diſtrained property within their juriſdictions reſpectively, in like manner and form as has been preſcribed to the zillah judges.

Mod 20 of 17. Sec 27

IX. In addition to the penalties provided by Section XIX, Regulation XVII, 1793, it is hereby declared, that if any under-tenant, of whatever deſcription, ſhall reſiſt or cauſe to be reſiſted the attachment of his property for arrears of rent in the mode preſcribed by the regulations ſo as to prevent the attachment from taking place, or ſhall forcibly or clandeſtinely take away ſuch property after it ſhall have been attached; ſuch offender, ſhall, on proof before the dewanny adawlut, be made liable to damages to the diſtrainer equal to twice the amount of the property reſcued from attachment, and the property ſo taken away may be reattached by the diſtrainer wherſoever it may be found. The offender and all perſons concerned with him in reſiſting the attachment are moreover declared liable to be apprehended and proſecuted before the criminal courts for any breach of the peace committed by them in ſuch reſiſtance to the attachment, and the police officers, on information of ſuch, are immediately to repair to the ſpot, and take all proper meaſures under the regulations

on oath 1820 Ch 17 S 27

as

as well to apprehend and ſend to the magiſtrate any perſons who may appear to have broken the peace, as to ſupport diſtrainers in the due exerciſe of the legal powers veſted in them. If any perſon, not being the defaulter or reſponſible for him, claim as his right the property diſtrained, and the diſtrainer ſhall notwithſtanding cauſe the ſame to be ſold, the claimant, on proof of his right in the dewanny adawlut, and in the event of the diſtrainer being unable to prove that he was reſponſible for the arrear on account of which the property may have been ſold, ſhall recover from the diſtrainer the full value of ſuch property, with all coſts and damages, according to the circumſtances of the caſe. But no claim to crops upon the ground or to any gathered product of the ground attached in the poſſeſſion of the defaulter, whether founded upon a previous ſale, mortgage, or otherwiſe, ſhall bar the prior claim of rent due for the ground upon which ſuch crop or product may have been grown, it being the undoubted right of the owner of the land, or his repreſentative, to conſider the produce of it mortgaged to him, for the rent of the land in the firſt inſtance, and in default of his rent being paid as engaged for (or determinable by local rates and uſage where there may be no ſpecific engagement) to diſtrain and ſell ſuch part of the product as may be neceſſary to make good the arrear due to him.

Claims to property diſtrained and ſold, to be preferred in the dewanny adawlut.

In what caſes judgment for value of ſuch property with coſts and damages to be given againſt the diſtrainer.

But no claim to ground products attached in poſſeſſion of defaulter to bar the prior claim of ground rent.

X. The reſtrictions contained in Section XXI, of Regulation XVII, 1793, which prohibit diſtrainers from forcing open the outer door of any dwelling houſe, and from entering the zenana or apartments of women, having been found liable to abuſe, ſuch reſtrictions are hereby modified as follows. When a diſtrainer may have reaſon to ſuppoſe that the property of a defaulter is lodged within a dwelling houſe, the outer door of which may be ſhut, or within any apartments appropriated to women, which by the uſage of the country are conſidered private, he is at liberty to repreſent the ſame to the police darogah within whoſe juriſdiction the houſe may be ſituated, and on ſuch repreſentation the police

Modification of reſtrictions in Section XXI, of Regulation XVII, 1793.

Diſtrainer, in preſence of a police officer, may force open the outer door of a dwelling houſe, in which he has reaſon to ſuppoſe the defaulter's property to be lodged.

lice darogah is to ſend a police officer to the ſpot, in the preſence of whom the diſtrainer is authorized to force open the outer door of the dwelling houſe in which he may have reaſon to ſuppoſe the defaulter's property to have been lodged, in like manner as he is already authorized to break open the door of any room within a dwelling houſe except the zenana. He may alſo, in the preſence of the police officer, after due notice given for the removal of any women within the zenana, and after furniſhing means for their removal in a ſuitable manner, if they be women of rank, who according to the cuſtoms of the country cannot appear in public, enter the zenana apartments for the purpoſe of attaching any of the defaulter's property depoſited therein. But ſuch property, if found, ſhall be immediately removed from ſuch apartments, after which they are to be left free to the former occupants; and nothing in this regulation is to be underſtood to authorize any diſtrainer or his agent to force open the door of a dwelling houſe, or to enter the apartments of women which by the uſage of the country are conſidered private, in any other mode than is herein preſcribed; a wilful deviation from which will ſubject the offender to heavy damages, beſides forfeiture of the arrear of rent on account of which the diſtreſs may be levied.

And with certain precautions may enter zenana apartments to attach property.

But ſuch property to be immediately removed; and the apartments left free to occupants. Penalty for forcing open the door of a dwelling houſe or entering the apartments of women conſidered private in any other mode than is herein preſcribed.

XI. In all caſes wherein perſons authorized to diſtrain property for arrears of rent may apply to the police darogah of the juriſdiction to depute a police officer to be preſent at the time of making the attachment, with a view to prevent reſiſtance or other breach of the peace, the police darogah ſhall, as far as may be in his power, immediately comply with ſuch applications; and the police officers ſo deputed ſhall uſe every means in their power to prevent reſiſtance or other breach of the peace in ſuch caſes. He ſhall alſo give due attention to the whole conduct and proceedings of the diſtrainer, ſo as to be able to give evidence thereupon if afterwards required, either before the judge or magiſtrate.

Police darogahs on application to depute an officer to be preſent at attachment for arrears of rent.

Officer ſo deputed to uſe every means to prevent reſiſtance or other breach of the peace, and to obſerve the conduct of diſtrainers.

XII. It being a frequent practice with the undertenants to lodge unfounded complaints in the foujdarry adawlut againſt perſons

The courts of juſtice to diſcourage and puniſh unfounded complaints againſt

persons attaching their property, as well as against the whole of the officers employed in collecting their rents, and likewise to cause their being summoned as witnesses in causes with the merits and circumstances of which they are totally unacquainted, for the sole purpose of creating embarrassment and delay in the collection of the rents, the courts of justice are required at all times to discourage and punish such culpable practices as far as the powers vested in them by the regulations may admit. Section X, of Regulation IX, 1793, is to be strictly enforced in all cases of litigious and unfounded complaints, of the nature herein referred to, before the magistrate, and in instances of the zemindarry officers or others employed in the collections being improperly summoned, as witnesses, in the civil courts, the party who summoned them should be compelled, under Section VI, Regulation IV, 1793, to make them such allowance for their expences as may be sufficient for their full indemnification. It is further hereby declared, that if any person shall wantonly, and without good cause, be the means of summoning to the courts of justice, civil or criminal, the principal officer, or any officer engaged in collecting the rents of any zemindar, talookdar, or other landholder or farmer of land, and a loss of rent, or other evident damage, shall be sustained by the landholder, or farmer, in consequence of such wanton and unnecessary summons, an action shall lie against the party who caused the summons, for such loss or damage, and on proof thereof in the dewanny adawlut, or before the native commissioners appointed under Regulation XL, 1793, if the case be cognizable by them, the party injured shall be entitled to recover the amount with all costs of suit.

persons attaching property or officers employed in collecting the rents; as well as their being summoned as witnesses merely to create embarrassment and delay in the collections.

Section X, of Regulation IX, 1793, and Section VI, of Regulation IV, 1793, to be strictly enforced in such cases.

Compensation to be adjudged also, with all costs of suit, for any loss or damage sustained by the wanton unnecessary summons of any officer engaged in collecting the rents.

XIII. The civil courts are already directed by Section XXXIV, of Regulation XVII, 1793, to hear and determine all suits instituted under that regulation previous to any others that may be depending; and by Section XXII, of Regulation III, 1794, they are instructed to appropriate one day in each week, or two or more days if necessary, for the trial of suits regarding the rent of land and

Strictest observance required of Section XXXIV, Regulation XVII, 1793, and Section XXII, Regulation III, 1794.

and the public revenue assessed thereupon. The strictest observance of these rules is required from the zillah and city judges and their registers, as well as from the courts of appeal when cases of the above description may be under appeal; and in all cases cognizable by the native commissioners appointed under Regulation XL, 1793, they are to hear and determine suits respecting rent or revenue before any others that may be depending. It is further hereby declared that Section XXXIII, of Regulation XVII, 1793, which authorizes persons whose property may have been distrained to sue for any injury sustained thereby in the zillah dewanny adawlut, and allows landholders and farmers of land to sue defaulters or their sureties in the zillah dewanny adawlut for arrears of rent, instead of distraining their property, if such mode of procedure be preferred by them, was not meant to restrict the native commissioners appointed under Regulation XL, 1793, from taking cognizance of any suits of the above description not exceeding fifty sicca rupees, whether preferred to them in the first instance in their capacity of munsiffs, or referred to them by the judges of the dewanny adawlut under the provisions contained in the above regulation.

And native commissioners under regulation XL, 1793, to determine suits respecting rent or revenue before any others depending.

Explanation of Section XXXIII, Regulation XVII, 1793.

Not meant to restrict native commissioners from taking cognizance of suits for rent or revenue not exceeding fifty sicca rupees.

XIV. To enable proprietors of land to recover more speedily arrears of rent from their undertenants, which from the largeness of the amount cannot be immediately realized by the levy of distress on the personal property of defaulters and their sureties, a summary process was enacted by Section IX, and the succeeding sections of Regulation XXXV, 1795, whereby dependent talookdars, under farmers and ryots, or their sureties, for arrears of rent exceeding five hundred sicca rupees were made liable to confinement, after notice of three days to the defaulter, and a summary enquiry respecting the arrear before the judge of the dewanny adawlut. The limitation of five hundred rupees and the opportunity left to defaulters and their sureties to abscond, by the notice directed in Section X, of the above regulation, have been found however in a great degree to defeat the ends proposed, and the fraudulent and evasive conduct of under-

Recapitulation of summary process for arrears of rent exceeding 500 rupees authorized by Regulation XXXV, 1795.

Circumstances which have tended to defeat the ends proposed by the above regulation.

undertenants who are not the immediate cultivators of the land, and have little personal property that can be distrained, renders it necessary to give further aid to the landholders and farmers for the recovery of arrears of rent due from undertenants of this description. The following rules therefore are enacted, instead of Sections IX, X, XI, XII, XIII, XIV, XV, XVI, XVII, XVIII, XIX, and XX, of Regulation XXXV, 1795, which are to be considered as superseded thereby.

Following rules enacted, instead of Sections IX, X, XI, XII, XIII, XIV, XV, XVI, XVII, XVIII, XIX, and XX, of Regulation XXXV, 1795.

explained 10 Nov 19

† XV. *First.* Any zemindar, talookdar, or proprietor or farmer of land, to whom an arrear of rent may be due from a dependent talookdar, kutkinadar, jotedar, or other undertenant of whatever denomination, which cannot be realized by distraining the personal property of such undertenant, and his surety (if he shall have given security) is at liberty, after demanding such arrear from the defaulter, and from his surety if forthcoming, or without any express demand if he have reason to believe that the defaulter or his surety is prepared to abscond, to cause the immediate arrest of such defaulter and his surety in the manner following.

Any landholder or farmer to whom an arrear of rent may be due from an undertenant which cannot be realized by distress may cause the arrest of the defaulter and his surety in the manner following.

†See Sect.n IV. Reg.n II. 1805

*Second.* The proprietor or farmer to whom the arrear may be due or his authorized agent, is at liberty to present a petition to the judge of the zillah dewanny adawlut, or in cases wherein there may be reason to apprehend the immediate elopement of the defaulter or his surety, to the native commissioner appointed under Regulation XL, 1793, within whose jurisdiction the party may reside, setting forth in specific terms the arrear due from the defaulter, and praying that he and his surety (in case he shall have given security) may be taken into custody, unless the amount be paid. On the receipt of a petition to this effect by a native commissioner appointed under Regulaton XL, 1793, he shall, if the defaulter and his surety, or either of them be within his jurisdiction, immediately cause such party to be arrested, and unless immediate payment be made of the arrear demanded, shall within twenty-four

Petition to be presented to judge of the dewanny adawlut or native commissioner appointed under Regulation XL, 1793.

What such petition is to contain.

Native commissioner how to proceed on receipt of such petition.

twenty-four hours, cause him to be conveyed to the judge of the zillah dewanny adawlut; who shall proceed thereupon in like manner as he is hereafter directed to do in the event of the petition having been presented to him, and of the party having been arrested by his immediate order. But no native commissioner shall detain any defaulter or surety in custody, without sending him to the judge, above twenty-four hours, under penalty of being dismissed from his office, and made liable to prosecution for false imprisonment, unless the party in arrest shall, by a written application, desire the same for the purpose of adjusting his arrear with the party who caused his arrest, and the latter shall assent thereto; in which case his written acquiescence is to be superscribed or endorsed on the application with his signature; and to be written in such specific terms as may leave no doubt of the time for which such assent to stay process is given.

And judge how to proceed on the party arrested by a native commissioner being brought before him.

No commissioner to detain a defaulter or surety in custody, without sending him to the judge, above twenty-four hours.

Except by desire of the parties and under a written assent to stay process.

*Third.* If the petition of arrest, stated in the preceding clause, be presented in the first instance to the zillah judge (and to save time, it is allowed to be presented either in or out of court, and by any authorized agent, whether one of the established vakeels of the court or otherwise) the judge, if the defaulter or surety be within his jurisdiction, is immediately to issue a dustuck for the arrest of such party and to bring him before the court, unless he pay the arrear demanded, and if such payment be not made on the service of the dustuck, or within twenty-four hours afterwards (which time is to be allowed to the party arrested to adjust the demand), the officer charged with the dustuck is to complete the execution thereof by conveying the party to the zillah court. Provided however, that if the party arrested shall by a written application, request a longer period than twenty-four hours to adjust the demand against him, and the party causing the arrest shall, by a written superscription or endorsement on such application, acquiesce therein, the officers charged with the dustuck shall delay the execution accordingly; and whenever the party at whose instance the dustuck may have been issued shall, by a written derkhaust, declare himself satisfied, and

Judge how to proceed if the petition of arrest be presented to him in the first instance.

Dustuck for arrest issued by the judge how to be executed.

Dustuck when to be withdrawn.

and desire the arrest to be withdrawn, it shall be immediately withdrawn accordingly, the officers charged with the dustuck, (who are never to exceed two in number, unless in any particular case a greater number be considered necessary to prevent escape,) being at the same time paid the tullubaneh due to them according to the rate established by Section III, of Regulation XIV, 1793, viz. two annas per diem, or any lower rate that may have been the customary allowance to persons deputed with revenue processes.

Number of officers to be charged with dustuck.

And rate of tullubaneh to be allowed them.

*Fourth.* When a defaulter or his surety may be brought to the zillah court under either of the two preceding clauses, the judge shall call upon him to answer the demand against him, and if he deny it, or any part of it, shall enter upon a summary enquiry into the merits of it, by examining the vouchers and accounts of the parties: or may refer the case to the collector of the district for adjustment and report, as he is authorized to do in all causes of rent, and other matters heretofore cognizable in the courts of mââl adawlut, by Section XIII, of Regulation VIII, 1794; and as the judges in general are now required to do, in every cause of this description, which neither themselves or their registers, may be able, from other avocations, to try and determine without delay, and which may not be cognizable by the native commissioners acting under them. The landholders and farmers are allowed to employ any vakeel they may think proper to appoint, provided he be duly empowered by them, to attend such enquiries, before the collectors, as well as the summary enquiry directed in this regulation before the judge.

Summary enquiry to be made by the judge upon a party's being brought before him under either of the two preceding clauses.

Or case to be referred by him to the collector for adjustment and report.

Judges required to refer to the collectors, under Section XIII, of Regulation VIII, 1794, all causes heretofore cognizable in the courts of mââl adawlut, which neither themselves or their registers may be able to determine without delay, and which may not be cognizable by the native commissioners.

*Fifth.* The judge after receiving the collector's report, if the case be referred to him for adjustment, or after completing his own enquiry, if it be not so referred, is to discharge the defendant, with full costs and damages, if it appear that no arrear is due from him; or that the arrear demanded has been wilfully misstated by the plaintiff and a considerable proportion of the demand is not justly due to him. But if it appear that the arrear demanded,

In what cases the defendant is to be discharged with costs and damages.

Defendant be kept in close custody if the arrear demanded or a considerable proportion thereof be found due from him and to pay costs and interest.

Subsistence allowance to be paid by plaintiff to the defendant whilst in confinement.

demanded, or a considerable proportion thereof be justly due from the defendant, he is to be kept in close custody, until he pay the amount, with all costs, and interest on the arrear at the rate of one per cent per mensem; or until plaintiff make application to the court for his release. The plaintiff is to pay to such defendants, whilst in confinement, the same allowance for their subsistence as is fixed for other prisoners in the jail of the dewanny adawlut by Section VIII, of Regulation IV, 1793, viz. such allowance as the judge may think proper on consideration of the rank and situation of the prisoner not exceeding four annas, nor less than one anna per diem, and the payment is to be made in the same manner, and under the same provisions as prescribed in the above section.

In what cases proprietors and farmers of land may attach the farm, jote, or other tenure of their defaulting tenants and collect therefrom the arrears of rent due to them with interest.

*Sixth.* When an underfarmer, jotedar, or other undertenant, arrested as above described, shall not immediately discharge the arrear demanded from him, and shall in consequence be taken in custody to the judge of the dewanny adawlut, the proprietor or farmer of land, to whom such arrear may be owing, is at liberty to attach the farm, jote, or other tenure of such defaulter, and to manage the same by his own agents, or in such manner as he may think proper, until the rent due to him, with the further rent that may become due after the attachment, and interest upon the whole arrear at the rate of one per cent per mensem, shall have been liquidated from the produce. But in such cases of attachment, the proprietor or farmer making the same shall not exact more from the cultivators of the soil, and other descriptions of inferior tenantry, whose rents for the current year may have been payable to the defaulter, than the defaulter himself would have been entitled to receive from them if the attachment had not taken place, (cases of collusion and illegality under the regulations excepted;) and in the event of the defaulter making good the arrear due from him, with interest at the rate of one per cent per mensem, at any time within the current year, the attachment shall be immediately withdrawn, and a full and fair account rendered to him of all receipts and disbursements during the continuance of it.

Restriction against undue exactions from the cultivators of the soil and other inferior tenantry in such cases.

Attachment to be withdrawn on payment of the arrear due with interest at any time within the current year. And a fair account rendered of all receipts and disbursements.

*Seventh.*

*Seventh.* If the arrear be not liquidated within the current Bengal, Fussily, or Willaity year (according as the place may be situated in the province of Bengal, Behar, or Orissa), either by the payments of the defaulter or his surety, or by the attachment of his tenure, the zemindar or other proprietor of the land, or the farmer in whose farm the defaulter's tenure may be included, (if such farmer's lease extend beyond the current year) is at liberty, at the commencement of the ensuing year, to make such provision for the future receipt of the rents payable to him from the land tenanted by the defaulter, as he may judge proper and may be consistent with the rights of all other persons concerned. If the defaulter be an underfarmer for the past year only, or whose lease may have expired with the past year, he can, of course, have no claim to any further lease; and although his lease may not have expired, if he shall have neglected to fulfil the conditions of it by the payment of his stipulated rent, it must be considered liable to be annulled, or otherwise, at the option of the lessor. If the defaulter be a dependent talookdar or the holder of any other tenure which, by the title deeds or established usage of the country, is transferrable by sale or otherwise, it may be brought to sale, by application to the dewanny adawlut, in satisfaction of the arrear of rent; and the purchaser will become the tenant for the new year: or if the defaulter be a leaseholder or other tenant, having a right of occupancy only so long as a certain rent, or a rent determinable on certain principles according to local rates and usages, be paid; without any right of property or transferrable possession; the proprietor of whom such tenure is held, or the farmer or other person to whom such proprietor may have leased or committed his rights, must be understood to have the right of ousting the defaulting tenant from the tenure he has forfeited by a breach of the conditions of it. In such cases (viz. in the several cases enumerated in this clause, under the stated exception when a sale of landed property may be desired,) proprietors and farmers of land are at liberty to exercise the just powers appertaining to them, without any previous

What further measures may be taken by the landholders and farmers for the security of their future rents if the arrears due to them be not liquidated within the current year.

Defaulting underfarmers whose leases may have expired can have no claim to any further lease.

And although their leases may not have expired neglect to pay the stipulated rent subjects the farms of this description of defaulters to be annulled at the option of the lessor.

If the defaulter be a dependent talookdar or the holder of any other transferrable tenure, it may be brought to sale for the arrear by application to the dewanny adawlut.

Or if the defaulting tenant have a right of occupancy only depending on the payment of a certain rent, he may be removed from the tenure he has forfeited by a breach of the condition of it.

Proprietors and farmers of land at liberty to exercise their just powers in the cases herein stated, without previous application to the courts of justice.

But will be held responsible for all acts done by them or their agents beyond their just powers, infringing the rights of their undertenants of whatever description.

This regulation not intended to define or limit the rights of any description of landholders or tenants; but merely to point out in what manner defaulting tenants may be proceeded against; leaving them to recover their rights if infringed, with costs and damages, in the courts of justice.

vious application to the courts of justice; but they will be held responsible for all acts done by them, or by their agents, which may exceed their just powers, and infringe the rights of undertenants of whatever description, whether founded on pottahs or other written deeds and engagements; or on long prescription and established local usage. This regulation is not meant to define or limit the actual rights of any description of landholders or tenants; which can be properly ascertained and determined by judicial investigation only; but merely to point out in what manner defaulting tenants may be proceeded against in the event of their not paying the rents justly due from them; leaving them to recover their rights if infringed, with full costs and damages, in the established courts of justice, under the provisions already stated in this regulation for bringing such causes to a determination with the least possible delay.

The courts of justice in all other instances to determine the rights of every description of landholder and tenant when regularly brought before them.

*Eighth.* In like manner, in all other instances, the courts of justice will determine the rights of every description of landholder and tenant, when regularly brought before them; whether the same be ascertainable by written engagements; or defined by the laws and regulations; or depend upon general or local usage, which may be proved to have existed from time immemorial; but it is hereby declared that no part of the existing regulations was meant to deprive the zemindars and other landholders of the power of summoning, and if necessary, compelling the attendance of their tenants for the adjustment of their rents; or for any other just purpose, or of measuring any land within their respective estates which may be liable to measurement under the conditions upon which such land may have been leased or held. For the just exercise of such rights and powers the landholders are not required to make any previous application to the courts of justice; and any person opposing them therein will, on proof in the dewanny adawlut, be liable to full damages and all costs; besides being subject, for any breach of the peace, to prosecution and punishment in the criminal courts.

Explanation that no part of the existing regulations was meant to deprive the landholders of the power of causing the attendance of their tenants for the adjustment of their rent; or for any other just purpose, or of measuring any land liable to measurement under the conditions on which it may be tenanted.

Penalty for any opposition to the landholders in the just exercise of these rights.

But

But the landholders, their agents and representatives, will be held answerable for any abuse, or unjust exercise of the powers hereby declared to be vested in them, and on proof thereof by the party aggrieved in the dewanny adawlut, will be liable to full costs and damages; besides a fine to government if the case shall appear to deserve it. The execution of specific engagements and delivery of receipts for payments, in all instances will tend most to the security of the landholders and their tenants, in removing all doubt of the exact terms of agreement between them; or of the amount paid and due; and the provisions in Regulation VIII, 1793, for this purpose, are to be pointed out to them, by the courts of justice, as well as by the collectors, on every proper occasion, as their mutual safeguard against all undue demands on the one side, and evasions on the other, which the rules in that regulation were expressly enacted to prevent. As a further security to the zemindars in maintaining their rights over the dependent talookdars continued under them, the latter are hereby required to register in the sudder cutcherry of the zemindarry to which their talooks may be attached, all transfers of such talooks, or portions of them, by sale, gift, or otherwise; as well as all successions thereto and divisions among heirs in cases of inheritance: and whenever any distribution of the jumma of a dependent talook may become necessary on a division thereof, the written consent of the zemindar to whom such rent may be payable, is to be previously obtained, without which no distribution of a talookdarry jumma will be valid, or exonerate the entire talook from its responsibility to the zemindar. Moreover, the zemindars who, by Section XLVIII, of Regulation VIII, 1793, were directed to deliver to the collectors a record of the engagements entered into between them and their dependent talookdars, at the period of the decennial settlement, specifying the names of the talookdars, their talooks, and the jumma of each; are to deliver a similar record, annually, or whenever it may be required; including any alterations which have been registered in their respective cutcherries, under this regulation.

Also for any abuse or unjust exercise of the above powers by the landholders, their agents or representatives.

Execution of specific engagements and delivery of receipts for payments as directed in Regulation VIII, 1793, the best security both to landholders and tenants.

And the provisions in that regulation to be pointed out to them by the courts of justice and collectors on every proper occasion as their mutual safeguard against exaction and evasion.

Dependent talookdars required to register in the sudder cutcherry of the zemindarry to which their talooks are attached or transfers by sale, gift, or otherwise, as well as all successions and divisions.

Written consent of the zemindar to be obtained to any distribution of the jumma, payable to him from a dependent talook, without which the entire talook to remain responsible to him.

Zemindars to deliver to the collectors annually, or whenever required, the record specified in Section XLVIII, of Regulation VIII, 1793, including any alterations registered in their cutcherries under this regulation.

XVI. Persons

Persons confined under the fifth clause of preceding section, may institute a suit in the dewanny adawlut.

XVI. Persons confined under the fifth clause of the preceding section, and desirous of bringing the demand upon them to a regular judicial investigation and decision in the dewanny adawlut, are at liberty to institute a suit against the landholder or farmer, at whose instance they may have been confined, for this purpose; and should the amount denied by them be found upon trial not to have been due, they shall receive a judgment for full costs and damages against the party by whom it may have been claimed. They shall also be entitled to a similar judgment, with interest at the rate of one per cent per mensem, upon the amount paid by them, and found not to have been justly due from them, if they shall discharge the demand upon them with a view to obtain their release from arrest, or from subsequent confinement, under the preceding section, and shall afterwards, on a suit in the dewanny adawlut for recovery of the amount so paid, establish that it was not due from them at the time of the demand.

Judgment to be passed if the arrear denied by them be found not due

Or if the demand be discharged by them and afterwards found not due.

Claims rejected on the summary enquiry may be also sued for in the dewanny adawlut.

XVII. Proprietors and farmers of land, whose claims to arrears of rent may be rejected by the zillah judge, on the summary enquiry directed in Section XV, of this regulation, are also at liberty to institute a regular suit in the dewanny adawlut for the recovery thereof; and if, on trial, the amount claimed by them shall be found to have been due when the summary judgment was given against them in the first instance, they shall be entitled to receive back any sums paid by them for costs or damages under such judgment, and to a decree from the zillah court for the arrears of rent due to them, with interest at the rate of one per cent per mensem, and full costs incurred by them as well on the summary enquiry, as on the regular suit.

Judgment to be given if such claims be established on the regular suit.

Summary judgments under Section XV, not open to appeal.

XVIII. That no doubt may be entertained whether the summary judgments which the zillah courts are authorized to pass under Section XV, of this regulation; are open to appeal to the provincial courts of appeal. It is hereby declared, that they are not subject to appeal; as any person considering himself aggrieved by them

them can have his remedy by a regular ſuit in the dewanny adawlut, as above pointed out. It is alſo declared that no inſtitution fees, or fees upon exhibits, are to be levied on the ſummary proceſſes authorized by the ſection abovementioned; but the rules in Regulation VI, 1797, and in any other regulation relative to ſtampt paper, are to be conſidered applicable to the proceſſes in queſtion, as in all other caſes wherein ſtampt paper is required to be uſed, whether for original papers or for copies.

Inſtitution fee and fee on exhibits, not to be levied on ſummary proceſſes; but rules concerning ſtampt paper applicable to them.

XIX. The rules in the whole of the preceding ſections for the recovery of arrears of rent due to proprietors and farmers of land, are to be conſidered equally applicable to the managers of the eſtates of diſqualified landholders, and of joint undivided eſtates; as well as to collectors or other public officers holding lands in attachment for the purpoſe of adjuſting the public aſſeſſment on them, or for any other purpoſe; or making a khas collection on the part of government, where no ſettlement has been made with any proprietor or farmer: and the authorized agents of ſuch managers, collectors, or other public officers, provided they be ſo commiſſioned and inſtructed, are to exerciſe the ſame authority as is veſted in the agents of proprietors and farmers of land by Section II, of this regulation.

Rules in preceding ſections applicable to managers of eſtates of diſqualified landholder, and of joint undivided eſtates, as well as to the officers of government holding lands in attachment, or under a khas collection.

† XX. It is further to be underſtood that whatever powers and duties are veſted in, and required from, the zillah judges by any part of the preceding ſections of this regulation, are meant to be equally veſted in, and required from, the judges of the cities of Dacca, Moorſhedabad, and Patna; and the whole of the foregoing proviſions to be in force throughout theſe cities as far as the ſame may be applicable. The proviſions in Section XV, as far as they can be applied, are likewiſe declared to extend to the ſudder and moſuſſil amlah, or native agents of every deſcription, employed by the landholders and farmers in the management of their eſtates or farms, or collection of their rents. Any landholder or farmer having demands upon ſuch agents whilſt in his ſervice, or immediately

The foregoing proviſions for the zillahs to be alſo in force in the cities of Dacca, Moorſhedabad, and Patna.

† See Sect. IV. Reg. II. 1805

Proviſions in Section XV, as far as applicable, extended to the agents of landholders and farmers whilſt in their ſervice or immediately after their reſignation or diſmiſſion.

mediately after their resignation or dismission from his service, whether for money in their hands, or for accounts which they may refuse to render, or for any matter relating to the discharge of their respective trusts whilst in his employ, may proceed against them for their arrest and confinement in like manner as by Section XV, of this regulation, he is authorized to proceed against defaulting undertenants; and the zillah and city courts and native commissioners are to take the same measures for the aid of the landholders and farmers in such cases, as they are directed to take for the recovery of arrears from defaulting tenants.

Punctuality expected from landholders and farmers in the payment of their revenue to government under the aid now afforded them in the realization of their rents.

XXI. The foregoing rules will afford proprietors and farmers of land the means of realizing their rents with promptitude and facility; and the utmost punctuality will consequently be expected from them in the payment of their revenue to government. The motives stated in the preamble to Regulation III, 1794, induced the Governor General in Council to discontinue the mode of coercion, which had been practised from time immemorial of confining proprietors of land on their failure in the discharge of the public revenue engaged for by them; and it was expected, that the permanent assessment on their estates, which they were left to improve to the utmost without any addition of revenue, would be paid so readily and punctually as to render it seldom necessary to have recourse to any means of coercion. Instead of fulfilling these reasonable expectations however, many of the principal zemindars have withheld their revenue; and taking advantage of the want of information in the public offices of the actual produce of their estates, from the discontinuance of former checks and scrutinies, have encouraged, instead of preventing, the public sale of portions of their lands, for the purpose of repurchasing the same in fictitious names, at an under-rated assessment; or of reducing the assessment upon the residue of their estates by overrating the proportion sold. The following rules are enacted to remedy abuses of this nature; as well as to secure the more punctual realization of the public revenue without the necessity of frequent

Expectations from the permanent assessment and opposite conduct of many of the principal zemindars.

Objects of following rules, and

frequent ſales of land in the courſe of the year, which have been found liable to many ill conſequences; and the Vice Preſident in Council ſtill deſirous of enhancing the value of landed property, and of promoting as far as poſſible the eaſe of the proprietors, by conſidering their property alone a ſufficient ſecurity for the public dues, without ſubjecting them to any perſonal reſtraint, except in caſes of neceſſity, has forbore to renew the uſage above referred to, whilſt there can be a hope of realizing the fixed aſſeſſment on their lands according to the ſtipulated periods of payment, without it.

Reaſons for not renewing former uſage of confining defaulting landholders.

XXII. Proprietors and farmers of land paying revenue immediately to government are already required by Section II, of Regulation III, 1794, to cauſe the whole of the inſtalment due from them for each month to be paid into the treaſury of the collector of the zillah, or to the tehſeeldar or other officer appointed to receive the ſame, on or before the firſt day of the following month, without waiting for a demand of the amount by the collector or tehſeeldar; and by Sections IV, and V, of the above regulation. Proprietors of land, who may not diſcharge the inſtalment due from them on account of any one month by the fifteenth of the following month, and who after being ſerved with the notice directed in Section III, of Regulation XIV, 1793, may not liquidate the arrear due from them by the time therein limited, are declared liable to the payment of intereſt at the rate of twelve per cent per annum on the amount due from them; and, (after reference to the board of revenue) to the immediate public ſale of their lands under the rules preſcribed for the diſpoſal of lands on account of arrears of revenue. Sections IV, V, VI, VII, IX, and X, of Regulation III, 1794, are now reſcinded; and the following rules are enacted inſtead of them.

Recapitulation of Regulation III, 1794.

Sections IV, V, VI, VII, IX, and X, of Regulation III, 1794, reſcinded.

XXIII. *Firſt.* If the whole or any part of the monthly inſtalment due from any proprietor or farmer of land be not paid on or before the firſt day of the following month, as required by Section II,

Landholders and farmers to be charged with intereſt on all arrears of revenue.

II, of Regulation III, 1794, the defaulter, for the amount remaining undiſcharged, ſhall be liable to the payment of intereſt at the rate of one per cent per menſem from the date on which the arrear became due, until it be diſcharged, as provided by Section VII, of Regulation XIV, 1793; but with this difference, that the collector ſhall not wait the order of the board of revenue, nor ſhall the board of revenue wait the ſanction of the Governor General in Council, to levy ſuch intereſt, which is to be demanded and enforced (in the ſame manner as all other revenue demands are enforced,) as the common intereſt upon money due, unleſs in any particular inſtances it ſhould appear to the collector juſt and proper to exempt the defaulter from the payment of ſuch intereſt; in which caſe he is to report the circumſtances to the board of revenue, and be guided by their inſtructions.

Exception.

Requiſition to be made immediately on any arrear of revenue.

By Sect. II. Reg. I. 1801. Colr. is to attach the whole Estate, and not part of it.

*Second.* In the event of any arrear of revenue, as deſcribed in Section II, of Regulation XIV, 1793, being undiſcharged on the firſt day of the month ſucceeding that for which the arrear may be due, the collector, if the revenue be payable into his treaſury, or if not, the tehſeeldar or other public officer to whom the ſame may be payable, is immediately to require payment thereof with intereſt at the rate of one per cent per menſem, in the mode preſcribed by Section III, of the above regulation; and if the arrear ſhall not be diſcharged according to ſuch requiſition, or, aſſurance given for the immediate payment thereof to the collector's ſatisfaction, he ſhall proceed without delay to attach the eſtate of the proprietor from whom the arrear may be due; or ſuch portion thereof as he may conſider fully ſufficient to make good by a ſale the arrear due, with intereſt; or, if the arrear be due from a farmer, ſhall proceed without delay both to attach his farm and arreſt his perſon, (as well as the perſon of his ſurety, if he have given ſecurity,) in the mode preſcribed by Sections V, and VI, of Regulation XIV, 1793. This rule of courſe ſuperſedes Section IV, of the above regulation (which has already been reſcinded as far as reſpects proprietors of land by Section III, of Regulation III,

Proceſs if the arrear be not paid on ſuch requiſition or aſſurances of payment given.

Eſtates of landholders to be attached.

Farms to be attached, and farmers and their ſureties arreſted.

Section IV, of Regulation XIV, 1793, ſuperſeded by this rule.

III, 1794); but is not meant to superfede Section XIII, of Regulation III, 1794, with respect to proprietors or farmers of land paying their revenue to a tehseeldar, or other mofussil officer, who is thereby directed to demand payment of the arrear by the same process as the collectors are required to observe in Section III, of Regulation XIV, 1793: and to report to the collector in case the arrear be not liquidated by the limited period. If the farmer shall have given security, and the collector have no reason to believe that he will abscond, he is not to issue the process prescribed in Section V, of Regulation XIV, 1793, for the confinement of the defaulter, or his surety, until the defaulter has been served with the written demand for the arrear directed in Section III, of the above regulation; but if the collector have reason to believe that the defaulter, or his security, is prepared to abscond, he is authorized to issue the process prescribed in Section V, of the above regulation, both against the defaulter and his surety, without having issued the previous demand directed in Section III, of the above regulation: and in like manner, if the tehseeldar, or other mofussil officer entrusted with the collections, shall have reason to believe that any defaulting farmer whose revenue may be payable to him, or his surety, is prepared to abscond, so as not to allow time for his making report to the collector as directed in Section XIII, of Regulation III, 1794, he is authorized to arrest such defaulter and his surety, without waiting for the collector's process under Section V, of Regulation XIV, 1793, by a similar process under his own seal and signature; and to cause the party arrested to be immediately conveyed to the collector, to be further proceeded against as directed in the above regulation. Instead however of carrying the defaulter forthwith to the jail of the dewanny adawlut as directed in Section V, of Regulation XIV, 1793; the collector, if the defaulter shew any disposition to adjust and satisfy the demand upon him, is at liberty to keep him in the custody of peons during a period not exceeding ten days from the date of his arrival at the collector's station; at the expiration of which period, if the arrear be not paid, or satisfaction given for the immediate

But not Section XIII, of Regulation III, 1794.

In what cases farmers and their sureties may be arrested without the previous demand directed in Section III, of Regulation XIV, 1793.

In what cases and for what period the collector may keep defaulting farmers and their sureties under custody of peons, instead of having them confined in the jail of the dewanny adawlut.

diate payment thereof, so as to induce the collector to release the defaulter, he is to be brought before the judge of the dewanny adawlut, and confined in the jail of that court as directed in the section abovementioned. This qualification of the rule contained in that section, is to be considered applicable to all cases under the original rule, or to which it may be extended by the present or any other regulation; but it is not meant to restrict the collectors from observing the original rule in any instances where the defaulter may shew no disposition to adjust and satisfy the demand upon him: or where, for any other reason, it may appear to them objectionable to suspend the confinement of the defaulter or his surety.

This qualification of Section V, Regulation XIV, 1793, made general.

But not restrictive on the collectors.

*Third.* After the attachment of the lands of defaulting proprietors, or the attachment of the farms of defaulting farmers, in conformity to the preceding clause, if the arrear due, with any further arrear that may become due from the same proprietor, or farmer, with interest thereupon at the rate of one per cent per mensem, be discharged at any period before the end of the current Bengal, Fussily, or Willaity year (as the estate or farm may be situated in Bengal, Behar, or Orissa), together with any expence attending the attachment, which may not have been defrayed from the collections, the attachment shall be immediately withdrawn: and a full and fair account rendered of all receipts and disbursements during the continuance of it. Moreover, all receipts from the estate or farm attached, after paying the establishment of officers required to collect the rents, as provided for by Section VI, of Regulation XIV, 1793, shall be carried to the credit of the defaulter, during the current year, in discharge of the arrear and interest due from him. The whole of the provisions in the above section are also to be considered in full force; except that the injunction to the aumeen to collect according to the engagements subsisting between the defaulter and his undertenants, is not to be considered applicable to engagements evidently collusive, which may have been contracted in expectation of the attachment, with a view to prevent

Attachments under preceding section when to be withdrawn.

Account to be rendered in such cases.

Receipts from attached lands how to be credited.

Provisions in Section VI, of Regulation XIV, 1793, still in force, with a qualification to prevent collusion.

prevent the officers of government from receiving the just rents during the continuance of it. In such cases the aumeen is to collect according to the established rates and usages of the pergunnah, as he is directed to do in cases where no engagement exists between the defaulter and his undertenants. It is further hereby declared that after the promulgation of this regulation no anticipation of the rent will be admitted in cases of attachment. The landholders and farmers are forbidden to demand or receive, and the ryotts and other undertenants are forbidden to pay, any part of the rents receivable by the former and payable by the latter, before the stipulated or usual period of payment, according to the kistbundy or other engagement, or established local usage; and no person hereafter making anticipated payments, against this prohibition, or producing receipts for such, whether collusive or otherwise, shall be entitled to credit for the amount from the officers of government who may attach the lands or farm; or from the landholder or farmer making the attachment, if it be made for arrears due from an undertenant, under the provisions contained in this regulation. Nor shall credit be allowed for any payment made to a defaulter, after proclamation of the attachment of his estate or farm, until further proclamation be made that such attachment has been withdrawn; unless it can be clearly shewn that such proclamation, which is to be made as public as possible throughout the attached lands immediately on the attachment's taking place, was notwithstanding unknown to the party making payment to the defaulter at the time when such payment may have been made. Provided however that nothing herein contained, shall be understood to exonerate the defaulter from crediting to his undertenants, or otherwise accounting for, all sums received by him, whether in anticipation of the rents, or subsequent to the attachment of his estate or farm: the above restrictions having reference to the attachment only.

Further provision against anticipation of the rents.

Prohibition, under penalties, to landholders, farmers, and their tenants, to receive or pay the rents by anticipation.

Credit not to be allowed for any payment made to a defaulter after proclamation of the attachment.

Exception.

Proviso.

Pts 12 of 17 alter by 5 of 12

*Fourth.* In all cases of attachment, the village putwarries required to be appointed by the original rules for the decennial settlement,

Accounts to be furnished by putwarries in cases of attachment.

tlement, and by Section LXII, of Regulation VIII, 1793, will of course be bound to furnish the collector and the aumeen, or other officer deputed by him, with the accounts directed to be kept by them: and the collectors are hereby required to take immediate measures for ascertaining whether the putwarries have been universally appointed throughout their respective districts, as enjoined in the above section; as well as to cause their immediate appointment where they may be found wanting, by requiring instant compliance from the landholders with the regulation in question, under the penalty prescribed in the ninth clause of the section abovementioned; which, if necessary, they are to proceed to enforce in the mode therein provided. It is at the same time hereby explained, that it was not meant by the above regulation to require the proprietors of small estates, who may superintend their own lands, and be unable to afford the expence of a putwarry, to appoint officers of this description for the purposes mentioned in Section LXII, of Regulation VIII, 1793; but in such cases the proprietors themselves are, when required, to furnish the accounts and information specified in the above section, in like manner as the putwarries are required to furnish the same; and under the same provisions. Defaulting proprietors and farmers of land whose estates or farms may be attached under this regulation, are also required to furnish the collectors with any accounts that may be required from th m relative to the jumma, collections, and outstanding balances of the current year, or of preceding years, which may be in their possession, as well as to cause their agents of every description, who may have been employed in the collections of the current year, to attend the collector, aumeen, or other officer appointed by him. Any proprietor or farmer who, on receiving a written requisition from the collector under his official seal and signature to the above effect, shall refuse or neglect to comply therewith, shall be liable to such fine as the board of revenue, with the sanction of the Governor General in Council, may think proper to impose upon him on the collector's report of the circumstances of the case; and the Governor General in Council reserves to himself

Collectors to take measures for general appointment of putwarries according to Regulation VIII, 1793.

Explanation of Section LXII, Regulation VIII, 1793, with respect to small estates managed by the proprietors.

Proprietors and farmers of attached lands to furnish the collectors with any accounts required from them, in their possession.

And to cause their agents to attend the collector or officer appointed by him.

Penalty for non-compliance with this rule.

ſelf the power of ordering the impriſonment of any landholder, or other perſon who may perſiſt in refuſing to deliver up the accounts required from him in any particular inſtance.

*Fifth.* If any arrear remain due from a proprietor of land at the cloſe of the current year, the collector, immediately on the expiration thereof, is to report the amount to the board of revenue, and at the ſame time tranſmit a ſtatement of his lands for ſale, ſufficient to make good the arrear and the intereſt due thereupon to the time of ſale, to be diſpoſed of according to the rules preſcribed for public ſales on account of arrears of revenue; and if the whole arrear cannot be recovered from a ſale of the defaulter's lands, the deficiency will be recoverable from any other property he may poſſeſs, or by impriſonment of his perſon, as preſcribed in Section XIV, of Regulation III, 1794.

Arrears due from landholders at the cloſe of the year to be reported to the board of revenue.

With a ſtatement of lands for ſale, to make good the arrear and intereſt.

Arrears irrecoverable from a ſale of the lands to be realized from other property or by impriſonment.

*Sixth.* If any arrear remain due from a farmer of land at the cloſe of the current year, any land or property belonging to the defaulter, or his ſurety, is to be brought to public ſale as ſoon as poſſible after the cloſe of the year, according to the rules preſcribed for ſuch ſales, and, as provided in Section XXIII, of Regulation XIV, 1793, it will be at the option of the Governor General in Council either to cancel the leaſe of the defaulter from the commencement of the enſuing year, or to compel the defaulter, or his ſurety, to perform the conditions of the leaſe until the term of it ſhall expire. If the Governor General in Council ſhall annul the leaſe, the defaulter, after making good the arrear due from him to government, is to be at liberty to proſecute the dependent talookdars, underfarmers, or ryots, included in his farm for any arrears of rent due to him on account of the period during which his leaſe remained in force, as provided in the latter part of the ſection abovementioned, the preceding part of which is ſuperſeded by the rules now enacted. The proviſions contained in Section XXIV, of Regulation XIV, 1793, reſpecting the attachment of the landed property of ſureties for farmers of land

Arrears due from farmers at the cloſe of the year to be recovered by a ſale of their property and that of their ſureties.

And the leaſe of the defaulter may be annulled.

Defaulter after paying his arrear to government may ſue for recovery of any rents due to him.

Section XXIV, of Regulation XIV, 1793, reſpecting attachment of lands of ſureties ſtill, in force.

or

or of sureties for proprietors of land (in cases where they may have given security,) are moreover still to be considered in full force (under the alterations made by this regulation with respect to the attachment and sale) when the persons for whom they are bound may be confined, or their lands and farms attached under this regulation; and the above rule is hereby extended to landed property of defaulting farmers, which can be attached: and which in such case is to be brought under attachment at the same time that their farms are attached under the present regulation, subject to the same provisions for withdrawing the attachment on payment of the arrear.

And extended to landed property of farmers.

Subject to provisions in this regulation.

*Seventh.* The discretion given to the collectors by Section VIII, of Regulation XIV, 1793, to suspend the exercise of the powers vested in them by that regulation in cases of drought, inundation, or other calamity of season, or cause of failure not originating in the neglect, mismanagement, or misconduct of the defaulter, is to be considered equally applicable to similar cases under the present regulation; and the collector in such cases is to suspend the exercise of the powers now vested in him: but, as before required, he is immediately to report the circumstances to the board of revenue, with his reasons for not proceeding against the defaulter as directed, and is to be guided by their instructions. The board of revenue may suspend enforcement of the current kists as well as of the interest due thereupon, in such cases; but are not to grant any ultimate remission of the amount demandable on the permanent assessment without the sanction of the Governor General in Council, as already directed in Section XLIII, of Regulation II, 1793.

In what cases the collectors are to suspend exercise of the powers hereby vested in them.

Report to be made to the board of revenue in such cases.

Board may suspend current kists and interest.

But not grant any remission on the permanent assessment without the sanction of government.

*Eighth.* Nothing in this regulation is to be understood to preclude the Governor General in Council from ordering a sale of land or other property, for the recovery of arrears of revenue, within the current Bengal, Fussily, or Willaity year; in any particular case, wherein he may judge it proper to order such sale within the year.

Power reserved to the Governor General in Council to order the sale of land or other property within the year, in particular cases.

XXIV. The provisions contained in Sections XV, XVI, XVII, XVIII, XIX, XX, and XXI, of Regulation XIV, 1793, for cases of disobedience or resistance to the processes against defaulting proprietors, or farmers and their sureties, authorized by that regulation, are declared equally applicable to cases of disobedience or resistance to the processes authorized by the preceding sections of this regulation, as however under Section II, of Regulation V, 1798, the decrees of the provincial courts of appeal are declared final to the amount of five thousand sicca rupees, that amount instead of one thousand rupees, (beyond which sum the judgments of the provincial courts were appealable to the sudder dewanny adawlut when Regulation XIV, 1793, was enacted) is to be considered the standard for appeals to the sudder dewanny adawlut, instead of one thousand rupees, as specified in Sections XVI, XIX, and XXI, of that regulation. The same principle is to be applied to all other parts of the regulations, in which an appeal was authorized to the court of sudder dewanny adawlut, antecedent to the enaction of Regulation V, 1798, for the limitation of appeals to that court.

Provisions against disobedience or resistance in Regulation XIV, 1793, equally applicable under the present regulation.

Limitation of appeals to the sudder dewanny adawlut under Regulation V, 1798.

Above limitation applicable to all cases of appeal to the sudder dewanny adawlut.

XXV. When lands are attached by a collector, or other officer of government under the present regulation, or become subject to a khas collection on the part of government under any regulation authorizing the same, or by any means come under the immediate management of the officers of government, so that the rents are collected by them from the ryots, jotedars, dependent talookdars, underfarmers, or other descriptions of undertenants, the collector, in addition to the power vested in him, and in the officers employed under him, by Section XIX, and the preceding sections of this regulation, is authorized, without any previous application to the dewanny adawlut, to proceed against defaulting underrenters of whatever denonimation, from whom arrears of rent may be due, and their sureties, in the same manner as he is authorized by Section XXIII, of this regulation, to proceed against sudder farmers paying revenue immediately to government, and their sureties, if he shall consider this mode of procedure more likely

Further powers vested in the collectors in cases of attachment or khas collection.

May proceed against defaulting underrenters in such cases and their sureties as he is authorized to proceed against sudder farmers and their sureties.

likely to be effectual in causing payment of the arrear due from them: and in such cases he is authorized to issue the process directed in Section V, of Regulation XIV, 1793, on the report of the tehseeldar, or other officer employed to make the collections, as in cases of arrears due from proprietors or sudder farmers whose revenue may be made payable to a tehseeldar; or the tehseeldar, or other collecting officer, may, in particular cases, where he may have reason to apprehend the elopement of the defaulter or his surety, himself arrest and convey him to the collector, under the provisions contained in the second clause of Section XXIII, of this regulation. In all such cases however, the collector, before he delivers over the parties to the dewanny adawlut, is to satisfy himself that the arrear stated by the tehseeldar or other mofussil officer, is justly due, and he is at liberty to keep the alleged defaulter under mohussil peons during the enquiry that may be necessary for this purpose, although the period should exceed the ten days limited by the above section; but all such enquiries are to be brought to a conclusion with the least possible delay.

Provision for ascertainment of the arrears due from persons arrested under this rule by tehseeldars or other mofussil officers.

XXVI. The provisions in the preceding section are meant to include the estates of disqualified landholders under the management of serberakars appointed by the court of wards under Section VIII, of Regulation X, 1793; which estates being exonerated from responsibility for the revenue assessed upon them beyond what may be realized from the rents collected by the officers entrusted with the management of them, and experience having shewn that the managers elected under the above section, (which directs a preference to the legal heirs or other near relations of the proprietors, or in the event of there being no heirs or relations of this description, to creditable servants of the family, and allows female proprietors, not minors or otherwise disqualified, to recommend managers for their estates) are in general wholly disregardful of the public interest in the realization of the revenue assessed upon the estates committed to them, the above section is hereby rescinded, and the managers of the estates of disqualified land-

Preceding section meant to include estates of disqualified landholders under the management of serberakars appointed by the court of wards.

Section VIII, Regulation X, 1793, rescinded, and new rule en-

landholders, which may be exonerated from responsibility for the public revenue assessed upon them, are to be hereafter chosen by the collector and approved by the board of revenue without any regard to their connection with the proprietors, or to the will of the disqualified proprietors themselves in the election of such managers; who are to be considered in every respect the officers of government, acting under the collectors; and the latter will be held responsible for the nomination of proper persons both as to character, and capacity for the trust. The collectors are further directed to take into immediate consideration the conduct of the present serberakars of the estates of disqualified landholders during the period they have acted as managers respectively; and if from a deficiency in the collections, or misappropriation of their receipts, or other cause, they shall see reason to be dissatisfied with the conduct of any manager, they are to report the same to the court of wards and propose the removal of such manager, with their recommendation of a person better qualified to succeed him.

acted for the election of serberakars by the collectors.

Collectors to examine the conduct of the present serberakars and propose the removal of any with whom they may be dissatisfied.

XXVII. The restrictions contained in Section XLVIII, of Regulation XIV, 1793, against the confinement of joint proprietors of estates committed to the charge of managers appointed by the board of revenue, as well as against the confinement of disqualified landholders, and female landholders of every description, are to be considered, in full force, under the present regulation; as are all the rules in Regulation XIV, 1793, with respect to the personal responsibility of the collectors and other public officers, for the due exercise of the powers vested in them, which have not been expressly rescinded or modified by any other regulation.

Restrictions in Regulation XIV, 1793, against confinement of certain descriptions of landholders still in force.

As well as all rules, not rescinded, for the responsibility of the collectors and other public officers.

XXVIII. When a sale of lands may become necessary for the recovery of an arrear of the public revenue under the present regulation, it is to be made according to the rules already in force under Sections XXVI, XXVII, and XXVIII, of Regulation XIV, 1793, Regulation V, 1796, and Regulation XII, 1796, with the following further rules and provisions; and as the collectors will hereafter,

Under what rules sales of land for arrears of revenue are to be hereafter made.

hereafter, in most instances, have the lands under their immediate management for some time before the sale, it is expected that they will be prepared to transmit the most accurate statements for the allotment of the public assessment on the land sold, in conformity to Section X, of Regulation I, 1793; the rules contained in which are to be invariably and strictly adhered to in every instance of an adjustment of the public revenue becoming necessary upon lands disposed of by public sale, as well as in the cases of private transfer or division referred to in the regulation in question.

Section X, of Regulation I, 1793, to be strictly adhered to in all adjustments of the public revenue upon lands sold.

Recapitulation of the fourth, sixth, and eighth clauses of Section LXII, Regulation VIII, 1793.

XXIX. *First.* By the fourth clause of Section LXII, Regulation VIII, 1793, the putwarries in every estate are required to produce all accounts relating to the lands, produce, collections, and charges, of the village or villages to which they may be appointed respectively; with every explanation that may be required respecting them, for the allotment of the public revenue, agreeably to the principles laid down in Regulation I, 1793; and by the sixth and eighth clauses of the section abovementioned, putwarries may be required to swear to the truth of the accounts produced by them when necessary, and are declared liable to prosecution for perjury, if the accounts so sworn to shall afterwards appear to have been fabricated or altered, or not to be the true accounts. Proprietors and farmers of estates are also declared liable to a fine if it be proved that the accounts were fabricated, altered, or changed by their orders, or with their knowledge or connivance, a due observance of the above provisions therefore must, if the rules regarding putwarries be carried fully into effect, furnish the officers of government with the means of ascertaining the actual produce of any portion of lands proposed to be sold; and as Section X, of Regulation XLV, 1793, containing rules for the disposal of land by public sale in pursuance of decrees of the courts of justice, (whereby proprietors and farmers of land ordered for sale, and their agents are required to attend the collectors with any accounts of the jumma and collections of the lands ordered to be sold for the purpose of adjusting the assessment, under a penalty of being fined

Section X, of Regulation XLV, 1793, extended to sales of land for arrears of revenue.

fined by the board of revenue for non-compliance,) does not appear to have been expresly extended to cases of sales of land for arrears of revenue, the same is hereby declared to extend to such cases: and the landholders and farmers are declared equally responsible for the fidelity and accuracy of such accounts, as for the accounts delivered by the putwarries in conformity to Section LXII, of Regulation VIII, 1793; under the same penalty for any fabrication or alteration of them by their orders, or with their knowledge or connivance.

Landholders and farmers responsible for accounts delivered by them or their agents.

*Second.* For the information of purchasers at the public sales, whether on account of arrears of the public revenue, or in satisfaction of decrees of the courts of justice, a detailed statement, specifying the mehauls sold, (to be stated as clearly and accurately as possible) their rent produce in the past year, and the allotment of the sudder jumma thereto, in conformity to Section X, of Regulation I, 1793, shall be exhibited at the time of sale, and an authenticated copy of it be delivered to the purchaser; with this express notification, that government do not guarantee to the purchaser any thing beyond the right of the former possessor in the land sold, but that if the purchaser, within one year from the date of his purchase, shall discover and establish to the satisfaction of the Governor General in Council, through the collector of the zillah, and the board of revenue, that the accounts upon which the sudder jumma (or public assessment), may have been adjusted were false or grossly erroneous, so as to render the assessment on the land sold much higher than it ought to have been under the rules prescribed in Section X, of Regulation I, 1793, the Governor General in Council, will cause a new allotment of the assessment on the lands sold, and on the remainder of the estate from which such lands may have been separated, according to the prescribed rules. The collectors are further to allow all purchasers to have free access to the accounts on which the assessment upon the lands sold to them may have been adjusted; and on receiving any claims, under this clause, within the period therein limited, are to in-

Statement to be exhibited to bidders at the public sales.

And copy to be delivered to purchasers.

With notification herein prescribed.

Collectors to allow purchasers access to accounts on which the assessment may have been adjusted.

And how to proceed on receiving claims thereupon

under this regulation.

investigate the same in the presence of the landholder or farmer who may have furnished the accounts, or his authorized agent; and report the result with their opinion to the board of revenue; who, after calling for any further information they may judge necessary, are to decide upon the claim of the purchaser, if they shall not consider him entitled to any alteration in the assessment; leaving him to appeal, if dissatisfied, to the Governor General in Council; or, if they shall be of opinion that he is entitled to an alteration in the assessment of the lands purchased by him, are to report the same to the Governor General in Council for his final determination. The above provision, which is made for the security and encouragement of purchasers at the public sales, as well as to preserve a just assessment of the public revenue on lands sold, is not to be understood to authorize in any case, (except to rectify an evident and material mistake which the purchaser may consent to have rectified rather than relinquish his purchase and receive back the amount paid by him with interest) any addition whatever to the assessment declared at the time of sale on the portion of lands sold; nor is it to be applied retrospectively to any public sales which may have taken place before the promulgation of this regulation, unless in any particular instance, from manifest fraud or error in the accounts upon which the sale may have been made, the Governor General in Council should, on consideration of the circumstances of the case, think it equitable and proper to order otherwise; and the Governor General in Council hereby notifies that he will not admit any claim whatever founded on past sales, unless the same shall have been already preferred: or shall be preferred to him, or the board of revenue, within one year from this date.

Board of revenue how to proceed on the case being reported to them.

Governor General in Council to determine on any alterations in the assessment.

Above provision not meant to authorize any addition to the assessment declared at the time of sale.

Exception.

Nor is this rule to be applied retrospectively.

Exception.

Limitation to all claims respecting past sales.

*Third.* All purchases of land at the public sales shall be made in the names of the persons actually purchasing the same, without any fictitious substitution, or the substitution of the name of any other person whatever. Any evasion of this rule will render the lands purchased in opposition to it liable to confiscation to government,

All purchases of land at the public sales to be made in the names of the actual purchasers.

Penalty for any evasion of this rule.

ment, or to ſuch other penalty as the Governor General in Council, on conſideration of the circumſtances of the caſe, may think proper to impoſe; but it is not intended to prevent any perſon duly authorized from making a purchaſe of land at the public ſales for another; ſo that the real purchaſer be declared at the time of ſale; and his name regiſtered accordingly.

Explanation.

*Fourth.* All defaulting landholders, farmers, and ſureties, whoſe lands may be ſold by public ſale for diſcharge of arrears of revenue, are poſitively reſtricted from becoming the purchaſers, directly or indirectly, of their own lands ſo diſpoſed of. If they have the means of making ſuch purchaſes, they muſt have the means of preventing the ſale by diſcharging the arrear due from them; and any lands which may be found to have been purchaſed by them after the promulgation of this regulation, in oppoſition to the above prohibition, are declared liable to immediate forfeiture to government. The collectors are to cauſe due enquiry to be made whenever they may ſuſpect ſuch illicit purchaſes, and if they ſhall conſider the ſame eſtabliſhed, are to report the circumſtances of the caſe, with the proceedings held by them, to the board of revenue, to be ſubmitted by them, with their opinion, for the determination of the Governor General in Council, whoſe deciſion upon the caſe is to be conſidered final: unleſs the party diſſatisfied, think proper to proſecute his claim in the courts of juſtice; who are in that caſe to proceed as directed in other ſuits, wherein government may be a party under Section XLVI, of Regulation XIV, 1793.

Defaulters reſtricted from purchaſing their own lands at the public ſales.

Lands hereafter purchaſed againſt this prohibition, forfeited to government.

Collectors how to proceed with reſpect to ſuch illicit purchaſes.

To be finally determined upon by the Governor General in Council.

Subject to judicial proceſs under Section XLVI, Regulation XIV, 1793.

*Fifth.* The collectors are to give poſſeſſion to purchaſers at the public ſales of lands within their reſpective zillahs, by publiſhing at the head cutcherry of the pergunnah or other mehaul ſold, and at the cutcherry of the dewanny adawlut, in the juriſdiction of which ſuch mehaul may be ſituated, a ſtatement of the land ſold (as exhibited at the time of ſale), the name of the purchaſer, the date of his purchaſe, and his

In what manner the collectors are to give poſſeſſion to purchaſers at the public ſales.

Further measures, if necessary, to be taken by the judge of the dewanny adawlut.

his succession to all the rights of the former possessor. In the event of any further measures being necessary to put the purchaser in possession, he is to apply to the judge of the zillah or city, within which the land may be situated, and on inspection of the proclamation above mentioned, the judge is to put the purchaser in possession of the property sold to him, as therein specified, by the usual process for giving possession of all other property under decrees of the courts of justice.

Late incumbent how to recover any property delivered over to the purchaser but not included in his purchase.

If the late incumbent shall dispute the right of the purchaser to any part of the property so delivered over to the purchaser, as not being included in the purchase, he (the former incumbent) is at liberty to institute a regular suit in the dewanny adawlut for the recovery thereof, with costs and damages;

And purchaser how to recover any property included in the sale but not delivered over to him.

and in like manner, if the purchaser think himself entitled to any property which the judge may not deliver over to him, as not appearing to have been included in the sale, he is at liberty to sue the late incumbent for the same in the dewanny adawlut; and, on proof of his title, shall recover such property with all costs and damages.

Any other person, not being the late incumbent or his representative, claiming a right to property disposed of at the public sales, how to recover the same.

If any other person not being the late incumbent or his representative, shall claim any part of the property sold, and delivered over to the purchaser, he is at liberty to institute a suit against the former incumbent and purchaser jointly for the recovery thereof; and, on proof of his right, shall receive back the same, with costs and damages from the late incumbent; who shall further, in such case, if the property adjudged were clearly included in the sale, be compelled by the dewanny adawlut to make reparation to the purchaser adequate to the loss sustained by him, either by a refund of a proportion of the purchase money, or otherwise, as may appear just and equitable.

Exception of rights of undertenants.

Provided however that nothing in this rule is to be considered applicable to the rights of undertenants of whatever description, in the land sold, whose rents may have been payable to the late incumbent.

Any disputes respecting which to be settled between the under-

As the purchaser is entitled only, by the terms of his purchase, to the rights of the late incumbent (except in the cases provided for by Regulation XLIV, 1793;) whatever disputes may arise between him and the undertenants must be settled between them, or by the usual course of

law,

law, in like manner as they would have been between the undertenants and late incumbent if the sale had not taken place. But in cases of public sales for arrears of the public revenue, the purchaser may, without any previous application to the adawlut, eject any of the underrenters, whose leases are annulled by Section V, of Regulation XLIV, 1793; and who may decline the renewal of them on such terms as the purchaser by the above regulation, and Section VII, of Regulation IV, 1794, is authorized to require from them: though it is hereby declared, in explanation of Section V, Regulation XLIV, 1794, that it was not meant to annul the leases, or in any wise affect the tenures of the istimrardars, (or tenant at a fixed rent) described in Section XIX, of Regulation VIII, 1793, who by Section XLIX, of that regulation, were exempted from any increase of their fixed jumma at the formation of the decennial settlement provided they had held their tenures at a fixed rent for more than twelve years antecedent to that period. On the contrary such undertenants, (being declared in Section XIX, of Regulation VIII, 1793, a species of pottah talookdars) were meant to be included in Section VII, of Regulation XLIV, 1793, which exempts from any increase of rent, under that regulation, the lands of dependent talookdars who were exempted from any increase of assessment at the formation of the decennial settlement; and declares the revenue payable by such talookdars fixed for ever. Provided further that whenever the land may have been sold to discharge an arrear of the public assessment upon such land, or upon the estate of which such land formed a part, no private claim thereto on the plea of sale, gift, or other transfer; or of pledge, mortgage, or other assignment; or any other private claim whatever, is to be admitted by any court of justice in bar of the prior and indefeasible right of government, to hold the whole of the lands answerable in the first instance for the public revenue assessed thereupon, as immemorially known and acknowledged; and frequently declared in the regulations and otherwise.

tenants and purchaser, as with the late incumbent, if the sale had not taken place.

But in cases of sales for arrears of revenue the purchaser may avail himself of the rights vested in him by Section V, of Regulation XLIV, 1793, without application to the adawlut.

Explanation of above section.

Not meant to affect tenures of istimrardars who by Sections XIX, and XLIX, of Regulation VIII, 1793, were exempted from any increase of their fixed rent at the formation of the decennial settlement.

Such undertenants included in Section VII, of Regulation XLIV, 1793.

Further provision against any private claim upon lands sold to discharge the revenue assessed thereupon, or upon the estate of which it forms a part.

Prior and indefeasible right of government in such cases.

Board of revenue to conduct sales of land under the regulations.

Their responsibility, and objects to be attended to by them.

+ XXX. The board of revenue, who are hereafter to conduct the sales of land, in the mode prescribed by the regulations, without any reference to the Governor General in Council, except in cases wherein they may require his instructions; are to consider themselves responsible for the careful execution of this duty; and are required to be particularly attentive to the proper selection of lands for sale by the collectors, as well as to the due allotment of the public assessment thereupon, in conformity to the regulations.

Collectors to propose, and board of revenue to approve, establishments of officers to be employed during the attachment of lands.

They are also authorized to fix the establishments of native officers which may be necessary during the attachment of lands for sale, the expence of which is to be defrayed from the produce of the lands, as provided in Section XXIII; and statements of all such establishments are to be submitted by the collectors for their approval as soon as possible after the attachment may take place.

Objects to be attended to in proposing and approving such establishments:

In preparing such statements the collectors are to be careful not to propose a greater number of officers, or greater allowances to the officers employed, than may be indispensibly necessary; and the board of revenue, in approving such establishments, are to give particular attention that this principle is duly observed.

Collectors also nominate, and board of revenue to approve, the principal officers to be employed in the management of lands under attachment with their sureties.

Responsibility of collectors in all such appointments; as well as in all cases of a khas collection.

The collectors are also to nominate for the approbation of the board of revenue, the aumeens and other principal native officers, to be employed in the management of lands under attachment, with the sureties to be taken for their appearance under Section XV, of Regulation III, 1794; and will be held responsible for the utmost regard to the qualifications and character of the persons so appointed by them, as well as in all cases wherein native officers may be appointed by them to the charge of a khas collection, whether under this or any other regulation.

Board of revenue to be guided by any special orders they may receive from the Governor General in Council.

To whom they are to apply in all cases unprovided for by the regulations.

XXXI. In the execution of the duties vested in the board of revenue by this regulation, as in all other cases, they are to be guided by any special orders or instructions which they may at any time receive from the Governor General in Council, (or Vice President in Council,) to whom they are to apply in all cases which they may consider unprovided for by the regulations; or, if

if it appear to them, in any case, that a new regulation would be advisable, to be printed and published in the form prescribed by Regulation XLI, 1793, they are to prepare such regulation in the form so prescribed, with a letter stating at large the grounds on which it may be proposed: and copies of any documents therein referred to, which may not have been already transmitted to the Governor General in Council. The collectors are also authorized to propose to the board of revenue, in the prescribed form, any regulations regarding matters within their cognizance, which their local knowledge and experience may suggest to them as advisable to be adopted, and provided they are drawn out according to the form directed by Regulation XLI, 1793: the board of revenue are to forward the same to the Governor General in Council, whether they approve the regulation proposed or otherwise. If they disapprove it altogether, they are to state the reasons of their disapproval in a letter to the Governor General in Council, to accompany the regulation proposed by the collector, or a copy of it; and copies of any letter and documents received from him in explanation of it. If they disapprove it in part only, and are of opinion that the remainder should be enacted into a regulation, with any amendments they may think advisable, they are to state their objections to the part disapproved; and at the same time to submit to the Governor General in Council, a draught of the regulation they judge expedient, with any requisite explanation of the amendments proposed by them.

Or may propose a new regulation in the form prescribed by Regulation XLI, 1793.

Collectors also authorized to propose new regulations in the prescribed form to the board of revenue.

Who are to forward the same, with their sentiments, to the Governor General in Council.

# A. D. 1799. REGULATION VIII.

A REGULATION *for certain modifications of the Mahomedan law in cases of murder, and to explain parts of Regulation XXI, 1795, and Regulation V, 1797, in cases of Dhurma.*—PASSED *by the Right Honorable the Governor General in Council, on the 10th October 1799; corresponding with the 26th Assin 1206 Bengal era; the 26th Assin 1207 Fussly; the 26th Assin 1207 Willaity; the 26th Assin 1856 Sumbat; and the 10th Jemaud-ul-Aawil 1214 Hegeree.*

THE provisions contained in Regulation IV, 1797, have prevented the obstruction to public justice, which, in the administration of the Mahomedan criminal laws, had been found to arise from the influence allowed by them in cases of murder to the heirs of the slain; under which influence, the murderer though fully convicted, might escape the punishment due to his crime by the pardon of, or a compromise with, such heirs of the deceased as were entitled to demand kissas, or retaliation. All operation of the will of the heirs in cases of murder is now done

 away

away by Sections III, and IV, of the above regulation, which require the law officers to give their futwa, and authorize the nizamut adawlut to pass their sentence, on the supposition that all the heirs of the slain entitled to prosecute for kissaus have attended, prosecuted, and demanded kissaus. But cases of wilful murder, in which the party convicted is not, under the Mahomedan law, liable to capital punishment by kissaus, from the heirs of the slain not being legally entitled to demand kissaus, from the relation of parent and child, master and slave, or otherwise, though directed to be referred for the sentence of the nizamut adawlut by the above regulation, have not been otherwise provided for; and according to an exposition of the Mahomedan law since given by the law officers of that court, a father or mother, or grandfather and grandmother wilfully murdering their child or grandchild, or murdering any person of whom their child or grandchild may be one of the heirs, cannot be sentenced to suffer death by kissaus; nor can such sentence be passed against a master for the murder of his slave; or against any one for the murder of a slave, appropriated by his owner to the service of the public; nor against a person wilfully killing another at the desire of the party slain: and if any of the persons abovementioned, be concerned with others in the perpetration of wilful murder, their exemption from kissaus precludes the infliction of capital punishment (except under the discretion allowed in all cases of *Tazeer* and *Seeasut*) upon any of their accomplices. In these and similar instances therefore the Mahomedan law of retaliation being obviously and essentially repugnant to the principles of public justice, the Right Honorable the Governor General in Council has passed the following rules in modification thereof; to be in force throughout the provinces of Bengal, Behar, Orissa, and Benares, from the 1st February, 1800. Moreover, the provisions contained in Regulations XXI, 1795, and V, 1797, relative to the offence of *Dhurna*, having been found to require some explanation, Section VI, of the present regulation, is added for this purpose.

II. In every case of wilful murder wherein the crime may appear to the court of nizamut adawlut to have been fully established against the prisoner; but the futwa of the law officers of that court shall declare the prisoner not liable, under the Mahomedan law, to suffer death by kissaus, solely on the ground of the prisoner's being father or mother, grandfather or grandmother, or other ancestor of the slain, or of the heir of the slain; or one of the heirs of the slain, being the child or grandchild, or other descendant of the prisoner; or of the slain having been the slave of the prisoner, or of any other person, or a slave appropriated for the service of the public; or on any similar ground of personal distinction, and exception from the general rules of equal justice, the court of nizamut adawlut, provided they see no circumstances in the case which may render the prisoner a proper object of mercy, shall sentence him to suffer death; as if the futwa of their law officers had declared him liable to kissaus; or to suffer death by seeasut, as authorized by the Mahomedan law in all cases of wilful murder, under the discretion vested in the magistrate, with regard to this principle of punishment for the ends of public justice.

In what cases of wilful murder the nizamut adawlut may pass sentence of death, although the futwa of their law officers declare the prisoner not liable to kissaus.

III. After the period fixed for the enforcement of this regulation, it shall not justify any prisoner convicted of wilful homicide, that he or she was desired by the party slain to put him or her to death; and in the event of the prisoner being convicted of the fact to the satisfaction of the nizamut adawlut; and of their seeing no circumstances in the case which may render him or her a proper object of mercy, they shall sentence him or her to suffer death, whatever may be the futwa of their law officers under the Mahomedan law; which in this instance also, although it withholds kissaus, gives a full latitude to the magistrate in the discretionary punishment of tazeer or seeasut, and experience has shewn the necessity of inflicting the punishment for murder in such cases, to preserve the lives of many from the effects of passion or revenge, aided (especially in the province of Benares) by the erroneous prejudices of superstition.

Desire of the party slain to be put to death, no justification of wilful homicide, after the period fixed for enforcement of this regulation. Sentence of death to be passed in such cases; unless the prisoner be an object of mercy.

IV.

What sentence to be passed by nizamut adawlut against persons convicted of wilful homicide; but declared not liable to death, under the Mahomedan Law, on the ground of their accomplices being exempted from kissaus.

IV. If the futwa of the law officers of the nizamut adawlut declare any person convicted of wilful murder, not liable to suffer death, under the Mahomedan law, on the ground of one or more of his accomplices being exempted from kissaus under any of the circumstances recited in Sections II, and III, of this regulation, or on any similar ground of exemption, the court of nizamut adawlut shall, notwithstanding such futwa, sentence the prisoner to suffer death if in their judgment he be duly convicted and be not a proper object of mercy; and in all cases, if the accomplice in a wilful murder, though not the principal perpetrator of the murder, shall appear to the nizamut adawlut fully convicted, and deserving of death, they are authorized, under the discretion given by the Mahomedan law in such cases, to sentence the prisoner to suffer death, whether the futwa of their law officers declare the same or otherwise.

Accomplices in wilful murder, though not the principal perpetrators, may be sentenced by nizamut adawlut to suffer death.

Section LXXV, of Regulation IX, 1793, explained and declared to include cases of wilful homicide by poison or drowning.

V. It has been already declared in Section LXXV, Regulation IX, 1793, that the distinctions made as to the mode of committing murder by the Emaums Eusuf and Mahomed (according to whose doctrines the law officers of the nizamut adawlut are required to give their futwas) shall not be adhered to by that court; but that the intention of the criminal, inferrible from the nature and circumstances of the case, and not the manner and instrument of perpetration, (except as evidence of the intent) shall constitute the rule for determining the punishment. It is further hereby expressly declared that wilful homicide by poison or by drowning, when the intention of poisoning or drowning may be evident, is included in the above rule, and that in all such cases the nizamut adawlut (whatever may be the futwa of their law officers) are to sentence the prisoner to suffer death; provided they judge him fully convicted of wilful murder and do not consider him a proper object of mercy.

Sentence to be passed by the nizamut adawlut in such cases.

Sections XI, and XII, of Regulation XXI, 1795, explained, and meant to include all descriptions of persons sub-

VI. Sections XI, and XII, Regulation XXI, 1795, relative to the offence of dhurna in the province of Benares, having inadvertently specified Brahmins only, it is hereby explained, that the

rules

rules contained in these sections, were meant to include all other descriptions of persons subject to the jurisdiction of the zillah and city courts, as well as Brahmins; in like manner as Regulation V, 1797, has extended similar rules to all such descriptions of persons within the provinces of Bengal, Behar, and Orissa. It is further explained, and hereby enacted, that the pundits of the courts in delivering the bebustah required from them in both the above regulations, (as to whether the facts established by the evidence against the prisoner, amount to proof of his having committed dhurna) are not to consider themselves restricted to the exact definition of dhurna in the Shaster; but are to regard the common construction of that term and practise; and the circumstances generally understood to denote it, whether described in the Shaster under the technical denominations of dherm, bebhar, chullona, achrit, or any other mode of duress practiced by individuals without authority from the magistrate for the recovery or extortion of money, such as was evidently meant to be prohibited and punished by the above regulations.

Subject to the zillah and city courts.

Further explanation of bebustah to be given by the pundits, under above regulation, and Regulation V, 1797.

# A. D. 1799. REGULATION IX.

A REGULATION *for further providing against resistance to the processes of the civil courts in the cities of Dacca, Moorshedabad, and Patna; as well as against resistance to the processes of the civil courts in general.* PASSED *by the Right Honorable the Governor General in Council, on the 10th October 1799; corresponding with the 26th Assin 1206 Bengal era; the 26th Assin 1207 Fussily; the 26th Assin 1207 Willaity; the 26th Assin 1856 Sumbut; and the 10th Jemaud-ul-Awul 1214 Hgeree.*

BY Section XXV, of Regulation IV, 1793, any person not being a zemindar, independent talookdar, or other actual proprietor of land, or a dependant talookdar, or a farmer of land holding a farm immediately of government, who shall resist or cause to be resisted any process, rule, order, or decree, which may at any time issue from the court of dewanny adawlut established in any zillah, or in either of the three cities of Dacca, Moorshedabad, or Patna, on proof of the resistance, is declared liable to such fine to government as may appear proper upon a

consideration

consideration of the situation and circumstances of the offender and the offence of which he may be convicted: but the provisions in Sections XXII, XXIII, and XXIV, Regulation IV, 1793, against resistance to the processes of the zillah courts, by zemindars, independent talookdars, or other proprietors of land, or by dependant talookdars, or by farmers of land holding their farms immediately of government, were not extended to the city courts, as no persons of those descriptions were known to reside, or to possess lands or farms within the jurisdiction of the courts established in the above cities. It having been found necessary however to provide against resistance to the processes of the city courts by persons of the above descriptions, the following rule is enacted by the Governor General in Council for this purpose, to be in force from the date of its promulgation in the cities of Dacca, Moorshedabad and Patna respectively. A general qualification of the existing rules for the punishment of resistance to the processes of the civil courts is also enacted in Section III. of this regulation, to be in force as soon as promulgated throughout the provinces of Bengal, Behar, Orissa and Benares.

Sections XXII, XXIII, and XXIV, Regulation IV, 1793, extended to the cities of Dacca, Moorshedabad, and Patna.

II. Sections XXII, XXIII, and XXIV, Regulation IV, 1793, are extended and declared applicable to all instances of resistance to any process, rule, order, or decree of the civil courts established in the cities of Dacca, Moorshedabad, and Patna, by any zemindar, independent talookdar, or other actual proprietor of land, or dependant talookdar, or farmer of land holding a farm immediately of government, with this further provision, viz. if the offender possess no zemindarry, talook, or other landed property within the jurisdiction of the court, whose process he may have resisted or caused to be resisted, so that no decree of forfeiture can be passed against him in pursuance of Section XXII, Regulation IV, 1793, the offender, on proof of the charge against him, shall be liable to a fine to government to be adjudged and levied under the provisions contained in Section XXV, of the above regulation.

Provision in case the offender possess no landed property within the jurisdiction of the city courts.

III. In

III. In all cases of resistance to the process of any zillah or city court of dewanny adawlut in the provinces of Bengal, Behar, Orissa or Benares, if the judge of the court whose process may have been resisted, shall be of opinion that a fine to government will be a more proper and adequate punishment for the offence than a forfeiture of the offender's estate or farm, under the provisions contained in Sections XXII, XXIII and XXIV, Regulation IV, 1793; and Sections V, VI, VII, and VIII, Regulation VIII, 1795; he is authorized, instead of the decree of forfeiture directed by the above regulations, to adjudge the offender to pay such fine to government as may appear proper upon a consideration of his situation and circumstances in life, and the offence of which he may be convicted, as provided with regard to persons not being landholders or farmers of land by Section XXV, Regulation IV, 1793; and subject to the provisions in that section for an appeal from the judgment of the court. Further, in cases wherein a decree for the forfeiture of an estate or farm may be passed and transmitted to the Governor General in Council under the regulations abovementioned, instead of such decree being considered final and carried into execution, unless the Governor General in Council shall order its commutation to a fine within four weeks after the decree shall have been received by him, the decrees in question shall not be hereafter deemed final until confirmed by the Governor General in Council; and shall not be carried into execution until notice of his confirmation be received.

In what cases a fine may be substituted for the judgment of forfeiture directed by Sections XXII, XXIII, and XXIV, Regulation IV, 1793, and sections V, VI, VII, and VIII, Regulation VIII, 1795.

Decrees for the forfeiture of estates or farms under above regulations not to be deemed final or carried into execution till confirmed by Governor General in Council, and notice of his confirmation be received.

# A. D. 1799. REGULATION X.

A REGULATION *to prevent delay in the transmission of the records of trials referred to the court of nizamut adawlut.*—PASSED *by the Right Honorable the Governor General in Council, on the 17th October 1799; corresponding with the 3d Kautic 1206 Bengal era; the 4th Kautic 1207 Fussilly; the 3d Kautic 1207 Willaity; the 4th Kautic 1856 Sumbut; and the 17th Jemaud-ul-Awul 1214 Higeree.*

A CONSIDERABLE delay having in some instances taken place in the transmission of the records of trials held before the courts of circuit which, under the regulations, are referrible to the court of nizamut adawlut; and it being essential to the ends of justice that such delay should be obviated, as well to prevent the lengthened confinement of prisoners who may be ultimately acquitted by the nizamut adawlut, as to expedite the punishment of those who may be convicted; the Governor General in Council, has enacted the following rules for this purpose, to be in force as soon as the same may be received by the courts of circuit in Bengal, Orissa, Behar, and Benares.

II.

Judges of circuit to transmit to the nizamut adawlut as soon as possible after the close of trials referrible to that court, a counterpart of the original record, with an English letter stating their opinion on the case.

II. The judges of the courts of circuit before whom the half yearly jail deliveries for the several zillahs and cities in the four provinces may be held under the existing or any future regulations, shall, as soon as possible after the close of any trial referrible to the nizamut adawlut, and with no further delay than may be necessary to transcribe the proceedings held thereupon, transmit to the court of nizamut adawlut a complete and exact counterpart of the original record of all proceedings held, and papers received, relative to such trial, with an English letter, stating their opinion on the evidence, and on the guilt or innocence of the prisoners. The record to be so transmitted is to be authenticated by the signature of the judge and seal of the law officer before whom the trial may have been held, and is to include the whole of the proceedings held before the court of circuit, with every examination, exhibit, or material paper of whatever denomination, taken by, or delivered to, that court; and the Persian translations of all examinations taken down in any other language than the Persian in conformity to Section VII, Regulation IV, 1797. The whole of the proceedings and papers received from the magistrate upon the case referred are also to be annexed to, and transmitted with, the proceedings of the court of circuit; but any variations between the depositions of the witnesses before the magistrates and courts of circuit are to be carefully noticed on the proceedings of the latter, as directed in the seventh clause of Section VII, Regulation IV, 1797; and any confessions of the prisoners before the magistrate, any inquest taken in cases of homicide, or any other evidence appearing on the proceedings of the magistrates, are to be entered with the necessary proofs, on the proceedings of the court of circuit.

In what manner such record is to be authenticated, and what it is to contain.

Proceedings and papers received from the magistrates to be also transmitted.

But variations in the depositions of witnesses, confessions of prisoners before the magistrates, inquests, and other evidence on the proceedings of the magistrates, to be entered, with proofs, on the proceedings of the courts of circuit.

The translator to the nizamut adawlut to make, or cause to be made, English translations of the proceedings of the courts of circuit, transmitted under the preceding section, as soon as possible after the receipt thereof.

III. The translator to the nizamut adawlut on receipt of the trials transmitted to that court under the preceding section shall, as soon as possible, make or cause to be made by his assistants, a true and faithful translation into the English language of the whole of the proceedings held before the court of circuit with any confessions of the prisoners before the magistrate, and such other parts of

of the magistrate's proceedings as may have been entered upon the proceedings of the court of circuit. If the translator to the nizamut adawlut and his official assistants be unable, on any particular occasion from the pressure of other business, to make an early translation of the proceedings and papers so received, he may, with the court's sanction, cause the same to be translated by any other competent person at the rates established by Section V, Regulation XIX, 1797: and the person making such translations, who is to subscribe his signature thereto, will be held responsible for their accuracy. But no translation is to be made by any other person than the Persian translator to the nizamut adawlut and his official assistants without the sanction of the court.

And, if unable, with his assistants to make an early translation, may, with the sanction of the court, cause the same to be made by any competent person at the rates established by Section V, Regulation XIX, 1797.

Restriction.

# PRINCIPAL HEADS

OF THE

# INDEX

TO THE

# REGULATIONS OF 1799.

*ALTERATIONS, MODIFICATIONS, EXTENSION, AND RESCISSIONS, &c.*

COURTS OF CIRCUIT.
DISTRAINT.
LANDHOLDERS.
MAHOMEDAN AND HINDOO LAW.
NIZAMUT ADAWLUT.
OPIUM.
PUBLIC REVENUE.
SPECIAL COURTS.
SYLHET.
ZILLAH AND CITY CIVIL COURTS.

*SUBORDINATE*

## SUBORDINATE HEADS OF THE INDEX.

Accomplices—ſee Mahomedan and Hindoo law.
Adminiſtrators—ſee zillah and city civil courts.
Appeals—ſee public revenue—landholders—opium—zillah and city civil courts.
Arbitrators—ſee opium.
Armenians—ſee Sylhet.
Arms, ammunition, &c. trade in—ſee Sylhet.
Arrears—ſee diſtraint—public revenue—landholders.
Arreſt—ſee public revenue—landholders.
Aſſeſſment—ſee public revenue—landholders.
Attachment—ſee diſtraint—public revenue—landholders—opium.
Aumeens—ſee public revenue.
Bebuſtah—ſee Mahomedan and Hindoo law.
Board of revenue—ſee public revenue.
Board of trade—ſee opium.
Brahmins—ſee Mahomedan and Hindoo law.
Britiſh ſubjects—ſee Sylhet—opium.
Cauzies—ſee diſtraint.
Chunam—ſee Sylhet.
Collectors—ſee public revenue—landholders—diſtraint.
Commercial reſidents—ſee diſtraint.
Convicts—ſee courts of circuit.
Coſſeahs—ſee Sylhet.
Coſts—ſee opium—diſtraint—public revenue—landholders.
Court of wards—ſee zillah and city civil courts—public revenue.
Covenanted ſervants—ſee opium.
Crimes againſt the ſtate—ſee ſpecial courts.
Crops—ſee diſtraint—opium.
Damages—ſee opium—diſtraint—public revenue—landholders—Sylhet.
Defaulters—ſee public revenue—landholders—diſtraint.
Dependent talookdars—ſee diſtraint—public revenue—zillah and city civil courts—landholders.
Dhurna—ſee Mahomedan and Hindoo law.

Diſqualified

Disqualified landholders—see zillah and city civil courts—public revenue—landholders.
Dustucks—see landholders.
Executors—see zillah and city civil courts.
Farmers—see public revenue—distraint—landholders—zillah and city civil courts—opium.
Fees—see opium—landholders.
Fines and forfeitures—see opium—zillah and city civil courts—public revenue.
Futwa—see Mahomedan and Hindoo law.
Gold and silver coin—see Sylhet.
Greeks—see Sylhet.
Guardians—see zillah and city civil courts.
Heirs—see zillah and city civil courts—landholders—public revenue—Mahomedan and Hindoo law.
Homicide—See Mahomedan and Hindoo law.
Independent talookdars—see zillah and city civil courts.
Interest—see public revenue—landholders—opium.
Inundation—see public revenue.
Investment—see distraint.
Istimrardars—see public revenue.
Jail deliveries—see courts of circuit.
Joint proprietors of estates—see public revenue.
Jotedars—see public revenue—landholders.
Kissaus—see Mahomedan and Hindoo law.
Kistbundies—see distraint—public revenue.
Kutkinadar—see landholders.
Laour—see Sylhet.
Law officers—see special courts—zillah and city civil courts—Mahomedan and Hindoo law—courts of circuit.
Magistrates—see Sylhet—courts of circuit—special courts—opium—distraint—Mahomedan and Hindoo law.
Managers—see zillah and city civil courts—public revenue—landholders.
Minors—see zillah and city civil courts.

Mortgage—ſee diſtraint—public revenue.
Munſiffs—ſee diſtraint.
Murder—ſee Mahomedan and Hindoo law.
Nabob Vizier—ſee opium.
Naibs—ſee diſtraint.
Native commiſſioners—ſee diſtraint—landholders.
Native ſuperintendent of a factory or ſalt chokey—ſee diſtraint.
Oath—ſee opium.
Penalties—ſee diſtraint—public revenue—landholders—opium.
Perjury—ſee public revenue.
Police officers—ſee Sylhet—diſtraint.
Pottahs—ſee landholders.
Provincial courts of appeal—ſee courts of circuit—opium—diſtraint—nizamut adawlut.
Pundits—ſee Mahomedan and Hindoo law.
Putwarries—ſee public revenue.
Rebellion—ſee ſpecial courts.
Regiſters—ſee opium—diſtraint—landholders.
Rent—ſee diſtraint—landholders—public revenue.
Reſiſtance—ſee zillah and city civil courts—diſtraint—public revenue.
Retaliation—ſee Mahomedan and Hindoo law.
Ryots—ſee diſtraint—opium—landholders—public revenue.
Sales of land—ſee public revenue—diſtraint.
Salt agents—ſee diſtraint.
Security—ſee public revenue—landholders—diſtraint—opium—zillah and city civil courts.
Seeaſut—ſee Mahomedan and Hindoo law.
Serberakars—ſee public revenue.
Stampt paper—ſee landholders.
Sudder dewanny adawlut—ſee opium—diſtraint—public revenue.
Tazeer—ſee Mahomedan and Hindoo law.
Tehſeeldars—ſee diſtraint—public revenue.
Tranſlations—ſee nizamut adawlut.
Treaſon—ſee ſpecial courts.

Trials

Trials of ſtate priſoners—ſee ſpecial courts.
Tullubanch—ſee landholders.
Underfarmers and tenants—ſee diſtraint—public revenue—landholders.
Vakeels—ſee opium—landholders.
Weights—ſee opium.
Wills—ſee zillah and city civil courts.
Zemindars—ſee opium—public revenue—diſtraint—zillah and city civil courts—landholders.
Zenanahs—ſee diſtraint.

## ALTERATIONS, MODIFICATIONS, EXTENSION, AND RESCISSIONS, &c.

| Regulation. | Section. | Clause. | | Regulation. | Section. | Clause. |
|---|---|---|---|---|---|---|
| 1793 | | | | | | |
| III. | XI. | | Extended by | I. | VI. | |
| | | | Ditto | VI. | XXIX. | |
| | | | Ditto | VII. | XII. | |
| IV. | VI. | | Ditto | | XV. | Fifth. |
| | VIII. | | Further application of by | V. | I. | |
| | XV. | | Extended with a further provision | IX. | II & III | |
| | XXII to XXV. | | Extended by | VII. | XV. | Eighth. |
| VIII. | XLVIII. | | Enforced and explained by | | XXIII | Fourth. |
| | LXII. | | Further enforced by | | XII. | |
| IX. | IX. | | Extended by | II. | IV. | |
| | XXX. | | Extended by | VIII. | V. | |
| | LXXV. | | Rescinded and rules substituted in lieu | VII. | XXVI. | |
| X. | VIII. | | Partially superseded by | | XXIII | Second. |
| XIV. | IV. | | Altered by | | | |
| | V. | | Qualified by | | | Third. |
| | VI. | | Altered by | | | First. |
| | VII. | | | | XXIV | |
| | XVI, XIX & XXI. | | Altered by | | XXIII | Sixth. |
| | XXIV. | | Extended by | | | |
| | XXVI. to XXVIII. | | Rules in addition to | | XXVIII. | |
| XVII. | | | Altered by | | VI. | |
| | II. | | Extended by | | II. | |
| | V. | | Partly rescinded by | | III. | |
| | VIII. | | Ditto | | IV. | |
| | XIII. | | Altered by | | | |
| | XIX. | | Additional penalty to | | IX. | |
| | XXI. | | Modified by | | X. | |
| | XXXI. | | Altered by | | IV. | |
| | XXXII. | | Extended by | | II. | |
| | XXXIII. | | Explained by | | XIII. | |
| XXVIII | III. | | Altered with respect to Sylhet, | I | VII. | |
| XXXV. | XX. | | Operation of it partially postponed | III. | II. | |
| | | | Further enforced by | VII. | XIII. | |
| XI. | | | Explained by | | XXIX | Fifth. |
| XLIV. | V. | | Extended by | | | |
| XLV. | X. | | | | | |

Rescinded

| Regulation. | Section. | Clause. | | Regulation. | Section. | Clause. |
|---|---|---|---|---|---|---|
| 1794 | | | | | | |
| III. | I Vic. X. | | Rescinded, and rules enacted in lieu | VII. | XXII. | |
| 1795 | | | | | | |
| XXI. | XI & XII. | | Explained and extended by | VIII. | VI. | |
| XXXV. | V. | | Partly rescinded and further provisions made | VII. | IV. | |
| —— | IX to [illegible] | | Superseded, and rules substituted in lieu | —— | XIV. | |
| 1796 | | | | | | |
| V. | | | Rules in addition to | —— | XXVIII. | |
| XII. | | | Ditto | —— | —— | |
| 1797 | | | | | | |
| V. | | | Rule in addition to, by | VII. | VI. | |
| VI. | | | Applicable in certain cases | —— | XVIII. | |
| 1798 | | | | | | |
| III. | V. | | Altered by | II. | II. | |

COURTS

| | Regulation. | Section. | Clause. |
|---|---|---|---|
| **COURTS OF CIRCUIT.** | | | |
| Rules enacted for holding monthly jail-deliveries in the cities of *Dacca*, Moorshedabad, and Patna, and declaring convicts, who may escape from prison during confinement, liable to transportation. | II. | I. | |
| Jail-deliveries at the above cities to be held monthly, and before whom and in what manner. | —— | II. | |
| In what cases jail-delivery is to be postponed—report to be made to the nizamut adawlut in such cases. | —— | III. | |
| Provisions in Sections II, and III, for holding jail-deliveries extended to the city of Benares—magistrates of the four cities when to transmit half yearly reports. | —— | IV. | |
| Convicts sentenced by courts of circuit or nizamut adawlut, who may escape, to what punishment liable — zillah and city magistrates to report in such cases. | —— | V. | |
| Guards having the custody of convicts, who may escape, liable to be committed before the courts of circuit. | —— | VI. | |
| Rules to prevent delay in transmitting trials to the nizamut adawlut, enacted. | X. | I. | |
| To transmit complete copies of proceedings, with papers received from the magistrates annexed. | X. | II. | |
| See special courts, nizamut adawlut. | | | |
| **DISTRAINT.** | | | |
| Rules enacted for enabling proprietors and farmers, to enforce payment of their rents. | VII. | I. | |
| Zemindars, &c. authorized to delegate to their agents the power of distraining, and in what cases liable to penalties, prescribed for intentional deviations from the regulations for distraining. | —— | II. | |
| Under tenants considered defaulters, after the day prescribed for payment of rent, and property liable to be distrained, and in what manner. | —— | III. | |
| Rules for giving previous notice of the sale of distrained property, and mode of conducting the sale. | —— | IV. | |
| Compensation to cattles, and penalties for misconduct. | —— | V. | |
| What cattles authorised to sell distrained property | | | |

| | Regulation. | Section. | Clause. |
|---|---|---|---|
| perty—form of sunnud to be given to commissioners. | VII. | VI. | |
| What persons considered commissioners ex-officio—rules for appointing commissioners, and how they may be deprived of their commissions. | —— | VII. | |
| City judges may appoint commissioners. | —— | VIII. | |
| Additional penalties for resistance to attachments—police officers how to act in such cases—mode of proceeding on claims being preferred to property under distraint. | —— | IX. | |
| Restrictions with respect to forcing outer doors or entering zenanahs modified, and penalties prescribed. | —— | X. | |
| Police darogahs how to act for preventing resistance. | —— | XI. | |
| Further rules for the punishment of unfounded complaints against distrainers, &c. | —— | XII. | |
| Further rules for determining revenue suits in preference to others. | —— | XIII. | |
| LANDHOLDERS. | | | |
| Rules for aiding them in the recovery of arrears, that cannot be recovered by distraint, enacted. | VII. | XIV. | |
| May arrest a defaulter and his surety in certain cases. | —— | XV. | *First.* |
| How to proceed to procure such an arrest, and native commissioners how to proceed thereon. | —— | —— | *Second.* |
| How the judge is to proceed when applied to for such purpose. | —— | —— | *Third.* |
| How the judge is to proceed when a defaulter is brought before him. | —— | —— | *Fourth.* |
| In what cases the defaulter is to be discharged or confined, and what allowance is to be paid in the latter case. | —— | —— | *Fifth.* |
| In what cases they may attach farms, &c. and under what restrictions. | —— | —— | *Sixth.* |
| What further measures they may take for securing their future rents. | —— | —— | *Seventh.* |
| Explanation respecting their rights. | —— | —— | *Eighth.* |
| Persons confined, may sue in the dewanny adawlut, and in what cases judgment may be passed in their favor. | —— | XVI. | |
| Claims rejected on the summary enquiry, may be sued for in the dewanny adawlut. | —— | XVII. | |
| Summary judgments under Section XV, not open | | | |

| | Regulation. | Section. | Clause. |
|---|---|---|---|
| to appeal—fees not to be levied, but rules respecting stampt paper, applicable in such cases. | VII. | XVIII. | |
| Preceding sections, applicable to managers of estates of disqualified landholders, &c. | —— | XIX. | |
| Foregoing provisions to be in force in the cities—Section XV, extended to all amlah and native agents. | —— | XX. | |
| See public revenue, distraint, opium. | | | |
| **MAHOMEDAN AND HINDOO LAW.** | | | |
| Modifications of in cases of murder, and explanations of the regulations respecting dhurna enacted. | VIII. | I. | |
| In what cases sentence of death may be passed, contrary to the fatwa of the law officers. | —— | II. | |
| Desire of the party slain to be put to death, no justification of persons aiding and assisting. | —— | III. | |
| Sentence of death shall be passed on principals, notwithstanding the fatwa declare them exempt from kissaus, and also on accomplices, when duly convicted. | —— | IV. | |
| Intention of the party to determine the punishment in all cases of poisoning and drowning. | —— | V. | |
| Rules for punishment of dhurna in Benares, extended to all descriptions of people—exact definition of dhurna in the Shaster, not to determine the bebustah. | —— | VI. | |
| See zillah and city civil courts, nizamut adawlut. | | | |
| **NIZAMUT ADAWLUT.** | | | |
| In what cases may authorize the senior judge to hold the jail delivery. | II. | III. | |
| Translator to translate papers received from courts of circuit, and employ extra translators in certain cases. | X. | III. | |
| See special courts, courts of circuit, Mahomedan and Hindoo law. | | | |
| **OPIUM.** | | | |
| Rules for the guidance of opium agents, and for preventing the illicit cultivation of poppy, and the illicit importation of, or traffic in, opium. | VI. | I. | |
| Oath to be taken by the agents. | —— | II. | |
| Cultivation of poppy, except with the sanction of government, prohibited. | —— | III. | |


How

| | Regulation. | Section. | Clause. |
|---|---|---|---|
| How settlements are to be made with, and advances issued to, the ryots—such settlements to be made public. | VI. | IV. | |
| Ryots may enter into engagements to cultivate the poppy or not. | —— | V. | |
| Nature of the engagements to be taken from the cultivators of the poppy. | —— | VI. | |
| Penalty for taking any fee or gratuity from the ryots. | —— | VII. | |
| Scales to be sealed by the magistrates and penalty for using those unsealed or defective—rules for weighing opium. | —— | VIII. | |
| Penalties for short deliveries, and how such penalties are to be enforced and appropriated. | —— | IX. | |
| Mode of proceeding against ryots, who mix water with opium. | —— | X. | |
| Mode of proceeding, if cultivators deliver in the crude material adulterated. | —— | XI. | |
| Mode of proceeding against zemindars, &c. for exacting encreased rates from ryots on account poppy-land. | —— | XII. | |
| Disputes regarding matters not herein provided for, to be determined in the courts. | —— | XIII. | |
| Judges to decide all causes respecting opium in preference to other suits. | —— | XIV. | |
| Penalty for cultivating poppy in opposition to this regulation. | —— | XV. | |
| All opium liable to confiscation, excepting that advanced for by the Company, or sold by their authority. | —— | XVI. | |
| Penalty for being concerned in, or conniving at, illicit trade in opium. | —— | XVII. | |
| Penalties on British subjects so concerned. | —— | XVIII. | |
| Process to be observed in confiscating opium. | —— | XIX. | |
| Boats, &c. employed in the contraband trade in opium, liable to confiscation, and proceeds how to be appropriated. | —— | XX. | |
| Reward to informers, if the opium be confiscated. | —— | XXI. | |
| Reward to government's officers, when there is no informer. | —— | XXII. | |
| In what cases informers are to receive half the fine levied on contraband opium, not seized. | —— | XXIII. | |
| What proportion informers are to receive of the proceeds of confiscated boats, &c. | —— | XXIV. | |
| Rewards by whom and when to be paid. | —— | XXV. | |

Rules

| | Regulation. | Section. | Clause. |
|---|---|---|---|
| Rules for giving the prescribed security in suits against subordinate officers, and mode of proceeding if it cannot be given. - - | VI. | XXVI. | First. |
| Agent to empower certain persons to execute such securities, and to furnish the judges with lists of them. - - - | —— | —— | Second. |
| Agents to be responsible for persons so empowered, and to employ creditable persons taking security. - - - | —— | —— | Third. |
| How and in what cases agents and their officers may be sued in the dewanny adawlut. - | —— | XXVII. | |
| In what cases the party sued is to defend at his own risk. - - - | —— | XXVIII. | |
| Agents may defend suits against their officers. | —— | XXIX. | |
| Civil process how to be issued to, and returned by, the agents. - - - | —— | XXX. | |
| Board of trade may make the agents or their officers responsible for costs and damages decreed against them, but they may appeal at their own risk. - - - | —— | XXXI. | |
| Board of trade may authorize appeals when dissatisfied with decrees. - - | —— | XXXII. | |
| In what cases security is not to be demanded from agents, and their head officers. - | —— | XXXIII. | |
| Mode of proceeding against agents and their head officers, after their removal. - - | —— | XXXIV. | |
| Letters between agents, their officers and vakeels to be free of postage, and how to be transmitted. - - - | —— | XXXV. | |
| Board of trade may take upon themselves the prosecution and defence of suits. - | —— | XXXVI. | |
| Rules respecting receipts and disbursements on account of suits in the courts of justice. - | —— | XXXVII. | |
| Foregoing rules applicable to assistants, &c. - | —— | XXXVIII. | |
| Ryots, &c. deeming themselves aggrieved, how to seek redress. - - - | —— | XXXIX. | |
| **PUBLIC REVENUE.** | | | |
| Rules for a more punctual realization of it, enacted - - - | VII. | XXI. | |
| Recapitulation of former regulations. - | —— | XXII. | |
| Interest to be charged on arrears from the day they become due, with exceptions. | —— | XXIII. | First. |
| Mode of proceeding for the recovery of arrears. | —— | —— | Second. |
| When attachments may be withdrawn, and ac- | | | |


count

| | Regulation. | Section. | Clause. |
|---|---|---|---|
| counts adjusted—Provisions against the anticipation of rents. - - - | VII. | XXIII. | Third. |
| Accounts to be furnished by putwarries, and measures to be taken for their appointment—Penalty for non-compliance of proprietors, &c. with collector's requisition for accounts. | — | — | Fourth. |
| Arrears at the close of the year to be reported to the board of revenue, and how to be recovered. - - - | — | — | Fifth. |
| How sales of land are to be made, and what other measures may be taken for recovering arrears. - - - | — | — | Sixth. |
| In what cases a suspension of these rules may take place. - - - | — | — | Seventh. |
| Sales may be ordered within the year in particular cases. - - - - | — | — | Eighth. |
| What provisions against resistance applicable — Explanation of rule respecting limitation of appeals to the sudder dewanny adawlut. | — | XXIV. | |
| Further powers vested in the collectors in cases of attachment or khaus collection. - | — | XXV. | |
| Preceding sections applicable to estates of disqualified landholders — collectors to report the misconduct of serberakars. - - | — | XXVI. | |
| Such parts of Regulation XIV, 1793, as have not been rescinded, &c. still in force. - | — | XXVII. | |
| Under what rules sales of land are to be made. | — | XXVIII. | |
| Rules for sales of land under decrees extended to sales of land for arrears of revenue. - | — | XXIX. | First. |
| Rules to be observed at the public sales. | — | — | Second to Fifth. |
| Board of revenue to conduct sales of land under the regulations— rules for nominating officers for attaching property. - - - | — | XXX. | |
| Special orders of government to be attended to by the board of revenue, who as well as the collectors, may propose regulations. - | — | XXXI. | |
| **SPECIAL COURTS.** | | | |
| Rules for their establishment enacted. - - | IV. | I. | |
| Executive government may convene courts for the immediate trial of persons charged with crimes against the state. - - - | — | II. | |
| How to proceed, and what powers vested in them. | — | III. | |
| Provision for the death or absence of any of the judges or law officers. - - - | — | IV. | |

How

| | Regulation. | Section. | Clause. |
|---|---|---|---|
| How the nizamut adawlut are to proceed on trials reported to them. - - - - | VI. | V. | |
| Magistrates to assist in expediting such trials.—How to proceed in cases of persons accused of crimes against the state. - - - | —— | VI. | |
| **SYLHET.** | | | |
| Sundry resolutions of 8th October 1790, respecting the trade of chunam, &c. on the frontier superseded, and rules enacted in lieu. - - | I. | I. | |
| Trade on the frontier declared free to all persons, except unlicensed British subjects. - - | —— | II. | |
| General restrictions on the trade prescribed. - | —— | III. | *First, Second, and Third.* |
| All articles liable to seizure and confiscation in the attempt to evade the restrictions contained in the foregoing section, and all persons, not being natives, acting contrary thereto, to be reported to the Governor General in Council, and liable to be sent to Calcutta. - - | —— | IV. | |
| Proportion of reward allotted to police officers seizing, and to persons giving information of, contraband property, and penalty prescribed, should the property not be deemed liable to confiscation. - - - - | —— | V. | |
| How and where persons dissatisfied with the order of confiscation are to apply for relief. - | —— | VI. | |
| British-born subjects, permitted to reside there, to enter into a bond to render themselves amenable to the jurisdiction of the civil court, in causes to an unlimited amount, instituted by the Cosseahs, &c.—consequences of a refusal. | —— | VII. | |
| Perwannahs heretofore granted to traders to be discontinued. - - - - | —— | VIII. | |
| Operation of Section XX, Regulation XXXV, 1793, postponed till 10th April, 1798. - - | III. | II. | |
| **ZILLAH AND CITY CIVIL COURTS.** | | | |
| Rules for their guidance in the execution of wills and administration to the estates of persons dying intestate, enacted. - - - | V. | I. | |
| Prohibited from interfering in the execution of wills of persons not being disqualified landholders, in certain cases, and mode of proceeding thereon. - - - | —— | II. | |
| In what cases prohibited from interfering in the | | | |


administration

| | Regulation. | Section. | Clause. |
|---|---|---|---|
| administration to such estates, and mode of proceeding thereon. - - - | V. | III. | |
| Co-heirs may appoint a common manager, and how the courts are to proceed in cases wherein the right of succession may be disputed. - | —— | IV. | |
| In what cases an administrator may be appointed, and when such administrations are to cease. | —— | V. | |
| To take security from administrators so appointed, and to fix their personal allowance, subject to the approbation of the sudder dewanny adawlut. | —— | VI. | |
| How to proceed in cases of persons dying intestate, and leaving unclaimed personal property. | —— | VII. | |
| Jurisdiction of the court of wards under Regulation X, 1793, not affected by this regulation. | —— | VIII. | |
| Rules for providing against resistance to their processes enacted. - - - | IX. | I. | |
| Sections XXII to XXIV, Regulation IV, 1793, extended to the city courts with additional rule, when the offender possesses no landed property. - - - - - - - | —— | II. | |
| In what cases, and under what rules a fine may be substituted in lieu of forfeiture.—Decrees for the forfeiture of estates not to be executed until confirmed by government. - - | —— | III. | |
| See public revenue, opium, distraint, landholders. | | | |

# TITLES OF THE REGULATIONS

*Passed in the Year*

1800.

## REGULATION

I.

A REGULATION *for the appointment of guardians to the persons of minor orphan zemindars and others, proprietors of shares in joint undivided estates, not subject to the jurisdiction of the court of wards, when the parents respectively have left any guardians to their children by will.—Passed on the 2d January, 1800.*

II.

A REGULATION *for laying open to public use the stone quarries at Chunar, Gazeepore, and Mirzapore, in the province of Benares, subject to a fixed duty.—Passed on the 15th January, 1800.*

III.

III.

A REGULATION *for authorizing the zillah judges to refer to the registers of those courts, appeals from certain decisions of the native commissioners appointed under Regulation XL, 1793. Passed on the 13th February, 1800.*

IV.

A REGULATION *for preventing the adulteration of common or alimentary salt, by mixing with it "Khares-noon," and certain other substances. Passed on the 14th March, 1800.*

V.

A REGULATION *for extending to the province of Benares, the rules contained in Regulation VII, 1799, for enabling proprietors and farmers of lands to realize their rents with greater punctuality, as well as such other parts of the above regulation as are applicable to the province of Benares. Passed on the 25th March, 1800.*

VI.

A REGULATION *for defining the tax to be levied on the sale of intoxicating drugs and toddy; and for amending the existing rules relative to the licensed sale of these articles, as well as the sale of spirituous liquors generally, so as to render the tax more conducive to the purposes of police. Passed on the 27th March, 1800.*

VII.

A REGULATION *to explain and amend certain parts of the existing rules for levying a stamp duty upon obligations for money, bank papers, and other documents. Passed on the 3d April, 1800.*

VIII.

A REGULATION *for preparing a general perguunah register of lands; and for certain alterations in the prescribed registers of estates paying revenue, and lands held exempt from the payment of revenue. Passed on the 3d July, 1800.*

IX.

IX.

A REGULATION *for the foundation of a College at Fort William in Bengal, and for the better instruction of the junior civil servants of the Honorable the English East India Company in the important duties belonging to the several arduous stations to which the said junior civil servants may be respectively destined in the administration of justice, and in the general government of the British empire in India. Passed on the 10th July, 1800.*

X.

A REGULATION *for preventing the division of landed estates, in the jungle mehals of the zillah of Midnapore and other districts. Passed on the 11th December, 1800.*

XI.

A REGULATION *for levying an additional duty of one per cent on the imports into, and exports from, the port of Calcutta, with certain exceptions; and for abolishing the duty of one per cent established by Regulation I, 1797. Also for establishing sundry rules for the better regulation and collection of the Calcutta customs; and for enacting into a regulation certain orders of government respecting those customs which have been passed subsequently to the date of Regulation XXXIX, 1795. Passed on the 18th December, 1800.*

BENGAL SECRETARIAT LIBRARY

# A. D. 1800. REGULATION I.

A REGULATION *for the appointment of guardians to the persons of minor orphan zemindars and others, proprietors of shares in joint undivided estates, not subject to the jurisdiction of the court of wards, when the parents shall not have left any guardians to their children by will.*—PASSED *by the Governor General in Council, on the 2d January 1800; corresponding with the 20th Poose 1206 Bengal era; the 21st Poose 1207 Fussily; the 20th Poose 1207 Willaity; the 21st Poose 1856 Sumbut; and the 5th Shabaan 1214 Higeree.*

BY Section III, Regulation X, 1793, it is declared that the superintendence of the court of wards shall not extend to joint proprietors of estates paying revenue immediately to government, both or all of whom may not be females deemed by the Governor General in Council incompetent to the management of their own estates, or minors, idiots, lunatics, or others rendered incapable of the management by natural defects or infirmities of whatever nature; and by Section XXIV, Regulation VIII, 1793, it is enacted, that where part of the proprietors of such estates are minors, lunatics, idiots, or others having guardians, such guardians are to act for them in the election of a surburakar or manager; but no provision is made for the nomination

of

of a guardian where no person has been appointed to this trust by the parents of such orphan children, lunatics, or idiots. By Section III, Regulation V, 1799, it is also declared, that in case of a Hindoo, Mussulmaun, or other person subject to the jurisdiction of the zillah or city courts dying intestate, but leaving a son or other heir, who by the laws of the country may be entitled to succeed to the whole estate of the deceased; such heir, or the nearest of kin (if the heir be under age or incompetent to the management of the estate, and no guardian shall have been appointed) who by the law or usage of the country may be authorized to act for him, is not required to apply to the court of justice previously to taking possession of the estates of the deceased, provided possession can be obtained without violence. But cases have occurred and may occur hereafter, in which, from the character of the nearest of kin or other circumstances, it may be improper that he should be vested with this authority. With a view therefore to provide for all cases of the nature above described which now exist, or shall occur hereafter, the following rules have been enacted, to be considered in force in the provinces of Bengal, Bahar, Orissa, and Benares, from the date of their promulgation.

Zillah judges authorized under certain circumstances, to nominate guardians to disqualified landholders not subject to the authority of the court of wards.

I. In all cases of joint undivided estates when one or more of the proprietors shall die leaving heirs who are under age, lunatics, or idiots, and without nominating by will a guardian or guardians to the heirs, it shall be the duty of the judge within whose jurisdiction such estate may be situated (or the principal part of it, in the event of its being situated in two or more jurisdictions) on the receipt of a report from the collector, or from any other person or persons interested in the welfare of the family of the deceased, stating the grounds on which he or they may consider the next of kin as unfit to be entrusted with the care of the person, or management of the estate of the heir, to investigate the nature of the objections to the nearest of kin, and if satisfied himself that they are well founded, the judge shall nominate some other person of character and respectability to act as guardian of the heir, reporting the circumstance

circumstance in every instance to the court of sudder dewanny adawlut.

II. In the selection of guardians to be appointed under this regulation, the judge is to attend particularly to their capacity, character and responsibility; but the guardianship is in no instance to be entrusted to the legal heir of the ward or other person interested in outliving him.

Rules for the selection of guardians.

III. It is expected that some friends of the family of the deceased will gratuitously discharge the trust of guardian, but if on any occasion it may become necessary to make a pecuniary compensation to the person appointed to act as guardian, the amount of such compensation is to be fixed by the judge on a due consideration of the circumstances of the case.

Compensation to the guardian for his trouble, when necessary, to be fixed by the judge.

IV. The guardians appointed under this regulation, are to be furnished with a commission under the official seal and signature of the judge, but previously to the delivery of it, they are to give security for their appearance during the continuance of their trust, and to execute the following obligation:— "I A. B. having "voluntarily taken upon myself the guardianship of C. "proprietor of a —— anna share of the estate of D. do here-"by solemnly promise and engage to execute the trust committed "to me zealously and faithfully to the best of my judgment, "and according to the regulations which have been or may be "prescribed for the guidance of guardians by the Governor Ge-"neral in Council; I will derive no advantage myself directly "or indirectly from any monies belonging to my ward, which "may come into my hands in the execution of my trust, beyond "the compensation granted me for my superintendence, nor will "I knowingly suffer any other person to derive therefrom any "such undue advantage. I also promise and engage to render a "true and just account of whatsoever may be received by me on "account of my ward abovementioned, when required to do so

Guardians to be furnished with a commission and to give security.

"by

"by any competent authority, and in the event of its being proved that I have been guilty of any embezzlement, or of any "breach of trust injurious to his (or her) property, I hereby "bind myself, my heirs and successors, to make good treble the "amount of the embezzlement or injury so proved against me."

Duties to be performed by the guardians.

To vote in the election of managers.

V. Guardians appointed under this regulation are to have the care of the person, maintenance, and, if a minor, the education of the ward. They are also to vote in the election of a manager for the joint undivided estate as prescribed in Sections XXIII, and XXIV, Regulation VIII, 1797; and the manager is to account to them for such portion of the profits arising from the estate, as their wards may be entitled to receive, on a fair distribution thereof amongst all the joint proprietors.

Estates under charge of managers to be held for balance of revenue.

VI. Estates under charge of a manager elected as recited in the foregoing section, shall be held answerable for the payment of the revenue assessed thereon, and nothing contained in this regulation shall be considered as exempting the lands from sale for the realization of any balance, which may at any time become due to government.

Mode in which records may be produced by persons considering themselves aggrieved by any act performed by the zillah judges under this regulation.

VII. If any person shall think himself aggrieved by any act done by any of the zillah judges in the exercise of the authority vested in them by this regulation, he is at liberty to state his complaint by petition, either to the judge in person, or to the court of sudder dewanny adawlut, and whenever any such complaint shall be made, the judge is to certify a copy of the petition and of all his proceedings in the case to which it relates, to that court, who are authorized to confirm or reversal his decision as to them shall appear just and proper, and their judgment in all such cases is hereby declared to be final. All proceedings and papers which may be submitted to the sudder dewanny adawlut under this section, are to be accompanied by true and faithful translations into the English language.

# A. D. 1800. REGULATION II.

A REGULATION *for laying open to public use the Stone Quarries at Chunar, Ghazeepore, and Mirzapore, in the province of Benares, subject to a fixed duty.*— PASSED *by the Governor General in Council, on the 16th January 1800; corresponding with the 5th Maug 1206 Bengal era; the 6th Maug 1207 Fussly; the 5th Maug 1207 Willaity; the 6th Maug 1856 Sumbut; and the 19th Shabaan 1214 Higeree.*

THE stone quarries at Chunar, Ghazeepore, and Mirzapore, in the province of Benares, have been hitherto worked for the exclusive use of government, and either let in farm under the provisions contained in Sections LXXXI, and LXXXII, of Regulation XXII, 1795, or managed (since August 1797) by an agent, who disposed of the stones, at stated prices, chiefly in the city of Benares. With a view to encourage the excavation of the quarries, and bring a greater quantity of stones to sale for the general convenience of builders and others, a notification was published under date the 9th April 1799, that the stone quarries in the province of Benares had been laid open for public use, subject to a

duty;

duty, the rates of which would be subsequently published for general information. In pursuance of this notification, and for the purpose of determining the rates of duty upon all stones quarried by individuals subsequent thereto, or which may be hereafter quarried under this regulation, the following rules have been enacted by the Governor General in Council, to be considered in force, as far as they respect the rates of duty, from the 9th day of April last, and in all other respects, from the period of their promulgation in the province of Benares.

All persons, except British-born subjects, permitted to quarry stones.

II. All native inhabitants of the Company's provinces, and all other persons not being British-born subjects, as well as such British-born subjects as have been or may hereafter be permitted to reside in the province of Benares for the purpose of carrying on any trade or manufacture, under the restrictions contained in Regulation XXVIII, 1793, are hereby declared at full liberty to excavate stones of every description from the quarries at Chunar, Ghazeepore, and Mirzapore, subject to the provisions contained in the following sections of this regulation.

A fixed duty to be paid to government previously to removal of the stones.

III. On all stones excavated from the quarries specified in the preceding section, a fixed duty shall be paid to government previously to the removal of the stones from the vicinity of the quarry where they may have been cut, according to the undermentioned rates, viz.

*First.* On the undermentioned eight descriptions of stones at whichever quarry excavated, the duty to be as follows:

| Descriptions of Stones. | Rates of Duty. Rs. | As. | |
|---|---|---|---|
| *Dhoka*, or small stones of various dimensions usually sold by the 100 maunds, | 2 | 4 | per 100 mds. |
| *Kolhoo*, or sugar-cane mill stones, | | | |
| 1st sort, called *Burhee*, - - | 8 | 0 | per stone. |
| 2d ditto, ditto *Surhee*, - - | 7 | 0 | ditto. |
| 3d ditto, ditto *Kolhoo bindra Chul*, | 5 | 0 | ditto. |

*Janta,*

| | Rs. | As. | |
|---|---|---|---|
| *Jantie*, a species of hand-mill stone, | 12 | 8 | per 100 pieces. |
| *Chakkies*, ditto, - - | 6 | 4 | ditto. |
| *Sil*, ditto, - - | 4 | 14 | ditto. |
| Ditto, 2d sort, less than a foot in breadth, | 2 | 4 | ditto. |

*Section* III. On all other descriptions of stones the duty to be regulated by their solid contents in length, breadth, and thickness, as follows:

| | Rs. | As. | Ps. | |
|---|---|---|---|---|
| Stones quarried at Chunar and Ghazeepore, and not exceeding in their solid contents four cubic feet, | 0 | 4 | 8 | per cubic foot. |
| Ditto ditto, above four and not exceeding five cubic feet, | 0 | 4 | 0 | per ditto. |
| Ditto ditto, exceeding five ditto, | 0 | 5 | 6 | ditto. |
| Stones quarried at Mirzapore, of whatever dimentions, - - | 0 | 2 | 6 | ditto. |

Statements of the descriptions of stones and the duty on each to be affixed in the collector's cutcherry, in the native languages.

IV. For the more full and ready information of stone-cutters and others, the collector of Benares is directed to prepare in the Persian and Hindoostanee languages, a detailed statement of the several descriptions of stones usually quarried at Chunar, Ghazeepore, and Mirzapore, shewing the amount of the duty upon each, calculated according to the rates prescribed in the preceding section; and to keep the same constantly affixed in his cutcherry, and affixed in some conspicuous place at each of the quarries under the inspection of the darogahs to be stationed at them respectively.

Duty to be paid into the collector's treasury, and a rowannah to be granted by him.

V. The duty specified in Section III, is to be paid into the treasury of the collector of Benares, who, on receipt thereof (or in the event of the collector's absence, his head assistant on the spot) is to grant a rowannah under his official seal and signature directed to the darogah of the station where the stones may have been quarried, specifying the exact quantity and descriptions of stones, for which the duty may have been paid, and authorizing their removal

from

from the quarry in consequence. This rowannah is to be delivered by the party receiving the same to the darogah to whom it is addressed, and to be kept by the latter as his authority for allowing the removal of the stones therein specified.

Each lift of the stones to be delivered on application for rowannahs.

VI. To enable the collector to grant rowannahs as above desired, the party applying for the same shall with his application, and at the time of paying the duty, deliver an exact list of the stones which have been quarried and for which the rowannah is desired, specifying the name of the quarry, the number and descriptions of the stones, and their weight, number of pieces, or solid contents (according as the duty may be payable upon either in conformity to Section III.) with any other particulars contained in the detailed statements to be prepared and published by the collector in pursuance of Section IV. which statements are to be considered by all persons applying for rowannahs as the prescribed forms for the lists herein required from them. To facilitate the preparation of such lists and to prevent inaccuracies which might delay the removal of the stones and adjustment of the duties thereupon, it is further hereby provided, that when any quantity of stones may have been quarried, and the quarrier, or any person in his behalf, or to whom he may have sold or otherwise transferred the same, shall be desirous of obtaining a rowannah for their removal, the darogah of the quarry, with whom a sufficient number of measurers are to be stationed for this purpose, shall, on application, cause the stones for which the rowannah may be desired to be accurately counted, weighed or measured (according as the duty may be payable on the number, weight, or measurement) in the presence of the owner of the stones or of such person as he may appoint, and the darogah thereon shall attest the lists of stones to be delivered to the collector as well as cause the same to be attested by the officer who actually counted, weighed, or measured the stones, by subscribing thereto a certificate under his signature of the accuracy of the number, weight, and measurement therein stated.

How such lists are to be prepared.

VII. The

VII. The darogahs of the stone quarries, on causing any stones to be measured in pursuance of the preceding section, are to affix some mark thereto, and shall also by some means mark the heaps of stones which may have been counted or weighed so as to identify the whole of the stones included in the lists attested by them, and are to take such precautions as may be necessary to prevent any change of, or addition to, the stones so collected and examined previous to the receipt of the collector's rowannah for their removal. If in any instance there should appear reason for suspicion that the stones counted, weighed, or measured before the application for the rowannah, have been subsequently changed or added to, the darogah is to cause the same to be recounted, weighed, or measured in his presence, and in the event of its being ascertained that any fraudulent change or addition, for the purpose of evading the duty, has been made, the whole quantity of stones, for the removal of any part of which such fraud may have been attempted, will be liable to confiscation under the provisions contained in Section XI, of this regulation.

Measures to be taken for preventing fraudulent attempts to evade the duty.

penalty for such attempts.

VIII. On the removal of the stones specified in the rowannah, the darogah is to endorse thereupon the date or dates of removal, with a certificate under his signature, that the dispatch has been made agreeably to the contents; and the rowannahs so endorsed are to be returned at the end of each month to the collector, with a report of the quantity of stones removed from each quarry within the month. The darogah, with every dispatch of stones, is also to furnish the person by whom they may be taken from the quarry, with a chore chittee or pass, under his official seal and signature, specifying the number and descriptions of stones taken away, and directing all officers of the quarry and others to allow the same to pass without molestation. No new duty however is to be levied upon such chore chittees (of which a regular record is to be kept by the darogahs in such form as may be prescribed to them by the collector,) nor are the quarried stones herein referred to, which are exempted from the customs by Section X, Regulation III, 1795,

Rowannahs to be returned monthly to the collector with a report of the quantity removed.

The darogah to furnish chore chittees for each dispatch of stones free of any additional duty.

to

to be liable, in any part of the Company's provinces, to any other duty than that specified in Section III, of this regulation.

Charges of exaction beyond the prescribed duty, or corruption, cognizable in the courts of justice, and the penalties decreed in Regulation XIII, of 1793, against ministerial officers of the courts, declared applicable to such cases.

IX. Any exactions beyond the prescribed duty, by the officers stationed at the quarry, or by any other person, as well as all charges of corruption against any public officer or other person directly or indirectly entrusted with the execution of any part of this regulation, are hereby declared cognizable in the city or zillah dewanny adawlut, within the jurisdiction of which such exaction or corruption may have taken place; and the penalties for extortion and corruption proved against the ministerial officers of the courts of justice and others, as well as the provisions for trying such charges, contained in Regulation XIII, 1793, (extended to Behares by Regulation XII, 1795,) are hereby declared applicable to all similar charges which may be preferred and established under the present regulation against the persons herein referred to.

The collector to nominate (for approbation of the Board of Revenue) the darogahs, who are to be sworn and to give the security required in Section XV, Regulation III, 1794, and Sections XV, to XXI, of that regulation, decreed to extend to all persons employed under the present regulation.

Darogahs allowances, &c. how to be fixed and the rules for their guidance to be furnished by the collector.

X. The collector of Benares is to nominate for the approbation of the Board of Revenue, the darogahs to be stationed at the several stone quarries, and before an oath, or solemn declaration, for the faithful execution of their respective duties, is to take from them the security prescribed in Section XV, Regulation III, 1794, the provisions in Sections XV, XVI, XVII, XVIII, XIX, XX, and XXI, of which regulation, are hereby declared to extend to all descriptions of native officers who may be employed under the present regulation, and be entrusted with the receipt of money or the charge of accounts. The collector is to fix the allowances of the darogahs and the necessary establishment of officers to act under them, subject to the confirmation of the Governor General in Council, to be obtained through the Board of Revenue; he is also to furnish the darogahs with such rules and orders as, from experience, may appear most effectual to prevent the removal of any stones from the quarries without payment of the prescribed duty.

XI. Any stones which may be clandestinely or otherwise removed from the place of excavation, or place adjoining thereto where it may be usual to collect the stones when quarried, without paying the duty and obtaining the rowannah required by this regulation, shall be liable to immediate seizure and confiscation to government, together with the cattle and carriages which may be used for the conveyance of such stones; and all other property seized therewith, which may in any wise have been used, or intended for use in the illicit removal of the stones in question. As an encouragement to the officers of government to do their duty in making such seizures and to all other persons to give information by which the same may be made, the following rewards shall be paid by the collector from the sale produce of the stones and other property confiscated, as soon as the same shall have been disposed of by public sale in pursuance of the succeeding section, viz. If the seizure be made by the public officers stationed at the quarries without information from any other person, a moiety of the sale-produce shall be given to them, and be divided amongst them in such proportions as the collector, on enquiry, may judge due to them respectively; or, if the seizure be made by the public officers upon information from any other person or persons, a quarter of the sale-produce shall be given to the seizers, and another quarter to the informers to be distributed by the collector, as above directed. If any other person or persons than the officers stationed at the quarry shall both give the information and make the seizure, he or they shall be entitled to a full moiety of the sale-produce without the participation of the officers of government; who, on the contrary, shall be liable to dismission from office for their neglect, if the collector, on enquiry, shall find them deserving of it, and if there be sufficient evidence of any collusion on their part, they shall be prosecuted criminally for a breach of trust. But to prevent undue molestation to the stone-cutters, or persons who may purchase stones from them at the quarries, it is hereby required and directed that no obstruction be offered to the free passage of any stones, on suspicion of their not having paid the established duty, beyond certain limits round the quarries,

Stones attempted to be removed without paying duty liable to seizure and confiscation together with the carriages, &c.

Rewards to be paid as encouragement for making seizures and in what proportions.

Punishment to the government officers for neglect of duty.

Stones for merchandise under such regulations, the [illegible] or persons removing [illegible] stones.

to

to be fixed by the collector, and within which it will be the duty of his officers to keep vigilant watch for the purpose of detecting and preventing any attempts to remove the stones without a regular pass from the darogah. Moreover any seizure of stones without sufficient grounds to warrant suspicion of an attempt to remove the same clandestinely, or to evade the duty, will subject the seizure (unless reparation be made as directed in the following section) to a prosecution in the civil courts for damages; and such courts, on clear proof that the seizure was altogether unwarranted, and that due reparation has been refused, are required to adjudge full damages to the party injured, besides all costs of suit.

Seizures to be immediately reported to the collector.

XII. Whenever any seizure may be made under the preceding section, an immediate report thereof shall be transmitted by the darogah of the quarry to the collector of Benares, with a circumstantial statement of all particulars relative thereto; and the collector shall, as soon as possible, make such further enquiry as may be necessary, in the presence of the parties concerned, if in attendance, or their authorized agents; after which, if it shall appear that the duty had been paid upon the stones seized, or that it was not intended to remove them from the quarry without payment of the prescribed duty, he shall cause them to be immediately released, and direct the party who seized them to make such reparation to the owner as may be adequate to the actual injury sustained by him, under penalty, for non-compliance, of being prosecuted in the dewanny adawlut for damages, and costs, under the preceding section. If, on the contrary, it shall clearly appear to the collector that no duty has been paid on the stones seized, and that an attempt was made to remove them from the quarry without payment of the duty, he shall declare the same confiscated to government, together with any cattle, carriages, or other property seized therewith, and liable to confiscation under the preceding section; and shall immediately advertise the same to be publicly sold at his cutcherry on a day to be fixed for this purpose, and to be at least fourteen days after the date on which he may pass the order of confiscation.

Rules for the guidance of the collector on receipt of such reports.

confiscation. All persons whose property may be so confiscated and advertised, shall be at liberty at any time within ten days after the date of the collector's order of confiscation, to appeal therefrom by a regular suit in the dewanny adawlut of the city of Benares; and the collector, if duly advised of such suit having been instituted, shall defend the same through the vakeel of government, and postpone the sale till the determination of the suit, as soon as conform to the judgment which may be passed thereupon, subject to the general rules for appeals. But all such suits shall be brought to a determination with the least possible delay; and if no notice of any suit having been instituted shall be served upon the collector before the appointed time of sale, he shall make the sale as advertised, and no subsequent claim or plea against the confiscation of the property sold shall be received in any court of justice. The judge of the city of Benares will of course take care that timely notice be given to the collector of all suits instituted under this section, within the ten days prescribed; and he is not to admit any appeal from the collector's order of confiscation which may not be preferred within the period limited, unless satisfactory reason be assigned for the delay; nor in any case, when the appeal may not be preferred in time to give notice of it to the collector before the appointed day of sale.

Appeals authorised to the city court.

XIII. The collector is to report to the board of revenue all confiscations and sales which may take place under the preceding section, as well as to furnish them with all other information, reports, and accounts, which may be required from him respecting the stone quarries and duties referred to in this regulation, or any matter relating thereto.

Board of revenue to be furnished with report of all confiscations, as well as any other accounts, &c. they may require from the collector.

XIV. The Governor General in Council reserves to himself the power of encreasing or reducing the rates of duty established by this regulation, if he should hereafter judge it proper, as well as to pass any further rules respecting the stone quarries in the province of Benares which may appear expedient.

Power of encreasing or reducing the duty reserved to the Governor General in Council.

XV.

Sections LXXXI, & LXXXII, Regulation XXII. 1795, superseded, except Clause Fourth of Section LXXXII exempting the inhabitants of the hills from payment of duty, which is to continue in force, and the collector is to give instructions for providing against the abuse of it.

XV. The provisions contained in Sections LXXXI, and LXXXII, Regulation XXII, 1795, are to be considered as superseded and done away by the present regulation, except Clause Fourth, of Section LXXXII, which exempts the inhabitants of the hills from the payment of any duty on stones quarried by them for their own use, and which exemption is still to continue in force; but the collector, in his instructions to the darôgahs, is to provide against the abuse of it in such manner as may be most effectual; and if, notwithstanding, any attempts should be made to extend the exemption beyond the intended privilege to the hill people, the stones to pass which such attempt may be made, will be liable to seizure and confiscation under Section XI, of this regulation.

# A. D. 1800. REGULATION III.

A REGULATION *for authorizing the zillah judges to refer to the registers of their courts, appeals from certain decisions of the native commissioners appointed under Regulation* XL, 1793.—PASSED *by the Governor General in Council, on the 13th February* 1800; *corresponding with the 4th Phaugun* 1206 *Bengal era; the 4th Phaugun* 1207 *Fussily; the 4th Phaugun* 1207 *Willaity; the 4th Phaugun* 1856 *Sumbut; and the 18th Ramzaan* 1214 *Higeree.*

BY Section XX, of Regulation XL, 1793, all decisions passed by the native commissioners, are declared appealable to the zillah and city courts: and by Section IV, of Regulation XXXVI, 1795, the decrees of the zillah and city judges, in appeals from such decisions, are pronounced final; but in many districts, appeals of this description have become so numerous, that the zillah judges are unable to prevent a large arrear from accumulating, to the great detriment of public justice. With a view to obviate this obstacle to the speedy administration of justice, the following rules have been enacted, and are to be in force from the date on which this regulation may be received by the different courts, in the provinces of Bengal, Behar, Orissa, and Benares.

II.

Judges empowered to refer to their registers appeals from the decisions of commissioners not exceeding twenty-five sicca rupees. Registers decrees final on appeals referred to them.

II. The judges of the zillah and city courts, whenever the number of appeals from the decisions of the native commissioners may be such as to render it impracticable for them to try them without neglecting their other more important duties, are hereby empowered to refer to their registers as many of such appealed causes as they may think proper, provided the property in dispute do not exceed in amount the sum of twenty-five sicca rupees; and the decrees of the registers thereon, shall be final, as in suits to the same amount, originally referred to them under Regulation VIII, of 1794.

The whole of the institution fees on appeals referred to registers, to be paid to them for their own use, after they have decided the cause.

III. The whole of the institution fees on appeals referred to the registers in conformity to the preceding section, shall be paid to them for their own use at the end of each month, with the proportions of the fees on original suits, which they are entitled to receive under Clause Sixth, of Section IV, Regulation VI, 1797.

# A. D. 1800. REGULATION IV.

A REGULATION *for preventing the adulteration of common or alimentary salt, by mixing with it "kharee-noon," and certain other substances.*—PASSED *by the Governor General in Council, on the 14th March 1800; corresponding with the 3d Cheyte 1206 Bengal era; the 3d Cheyte 1207 Fussly; the 3d Cheyte 1207 Willaity; the 3d Cheyte 1857 Sumbut; and the 17th Shawaul 1214 Higeree.*

THE Governor General in Council having received information, that a practice has for some time prevailed in these provinces of adulterating common or alimentary salt, by mixing with it a substance called "*kharee-noon,*" and other substances, such as *natron* or native fossile alkali, and also the vegetable alkali or pot-ash, but principally the former or "*kharee-noon,*" which article is chiefly, if not wholly procured and manufactured in the province of Behar, and this practice being a gross fraud highly injurious to the fair trader in salt, and, if carried to any extent, a fraud of the most pernicious tendency to the community at large, as the salt so adulterated must from the nature of the

"kharee-

"kharee-noon" (which upon analization is found to be the true Glauber's salt) be very prejudicial to the health of those who use it; the following rules have been enacted, to be considered in force in the provinces of Bengal, Behar, Orissa, and Benares, from the date of their promulgation.

Adulterated salt liable to confiscation, and the person adulterating or selling it, to a fine.

II. Any salt adulterated in the manner described in the preamble to this regulation, which may be found in any golah or shop, or in any place whatsoever, shall be confiscated and destroyed, and any salt merchant, or other person, selling salt wholesale or retail, who shall so adulterate or corrupt it, or shall sell any salt so adulterated or corrupted, shall be liable to the payment of a fine, calculated at the rate of ten sicca rupees per maund, of eighty-two sicca weight to the seer, upon the quantity which may be found so adulterated or corrupted, and the said fine, shall be recoverable in the manner hereafter prescribed.

Fine how to be calculated, and.

How recoverable.

Salt so adulterated liable to seizure by the police, and salt officers who are to report it to the judge.

III. Salt adulterated in the manner above stated, shall be liable to be seized by the officers of the police, as well as by the officers of the salt department, who, immediately on making any attachment or seizure, are required to report the circumstance to the judge within whose jurisdiction the attachment may have been made. The judge on receiving such report shall without delay institute a summary enquiry into the circumstances of the case, and if it shall appear to him that the salt is liable to confiscation, he shall proceed to confiscate it accordingly, and to levy the prescribed fine, by the same process as he is authorized to execute a decree of court.

Judge how to proceed on receiving such report.

Proprietor of such confiscated salt allowed one month to institute a regular suit in the dewanny adawlut on giving security; and.

IV. Provided always, that if the proprietor of such confiscated salt, being dissatisfied with the order of confiscation, shall immediately give responsible security for the amount of the penalty, and further, within a period of one month shall institute a regular suit in the dewanny adawlut against the officer who may have seized the salt, for damages under the following section, in such case

case the judge shall suspend the execution of his order, and stay all further proceedings. But if at the expiration of one month from the date of the order of confiscation no suit shall have been instituted by the proprietor of the salt, the judge is without further delay to levy the penalty from his surety, and otherwise to carry the order of confiscation into full effect, and such order shall be deemed final, and no appeal from it shall be admitted.

Execution of order to be suspended in such case.

An appeal not admitted after the expiration of one month.

V. In all cases in which it may appear that an attachment or seizure has been improperly made by an officer of government, the proprietor of the salt shall be entitled to recover full damages for all the loss and expence to which he may have been subjected in consequence, by a regular suit in the dewanny adawlut.

Proprietor may recover damages when a seizure has been improperly made.

VI. But should it appear to the court that there were no just grounds for objecting to the order of confiscation, and that the suit has been instituted merely with a view to create delay, or for vexatious purposes, it shall be at the option of the court to impose a fine of fifteen rupees per maund, instead of ten rupees, as prescribed in Section II; the decision in such case, as well as in all cases in which a regular suit may be instituted, being subject to the existing rules for appeals to the superior courts.

Further fine to be levied, if the suit has been instituted to create delay, &c.

Decision in such case subject to the existing rules for appeals.

VII. In the event of a regular suit being instituted for the purpose of setting aside the order of confiscation, the salt shall be held under attachment by the court until a final decision may be passed in the cause.

Salt to be held under attachment until a final decision.

VIII. When attachments or seizures of salt adulterated as abovementioned, shall be made wholly by the officers of government, and not upon any information furnished them, they will be entitled to receive one moiety of the fine which may be levied from the offender, according to the rule laid down in Section II, and the other moiety is to be carried to the account of government.

What share of the fine government's officers are to receive, when making the seizure.

Share to informer.

IX. If any other person or persons shall give information of salt adulterated as abovementioned to an officer of government, and the salt shall be seized in consequence of such information, he or they will be entitled to receive one-quarter of the fine which may be levied as above prescribed, and the officer who may have made the seizure, will be entitled to receive also one-quarter of the amount; the remaining moiety is to be carried to the account of government.

Bullocks and other cattle, carriages or boats conveying adulterated salt liable to sale.

X. The bullocks and other cattle employed in the carriage of salt adulterated as abovementioned, as well as the carriages or boats on which such salt shall be loaded or transported, shall be liable to be kept under attachment until the prescribed fine shall be paid, and shall also be liable to be sold to make good the amount of the fine at the discretion of the judge.

# A. D. 1800. REGULATION V.

A REGULATION *for extending to the province of Benares, the rules contained in Regulation* VII, 1799, *for enabling proprietors and farmers of land to realize their rents with greater punctuality; as well as such other parts of the above regulation as are applicable to the province of Benares.*—PASSED *by the Governor General in Council, on the 27th March* 1800; *corresponding with the 16th Cheyte* 1206 *Bengal era; the 16th Cheyte* 1207 *Fussily; the 16th Cheyte* 1207 *Willaiey; the 16th Cheyte* 1857 *Sumbut; and the 1st Zekaad* 1214 *Higeree.*

THE rules contained in Regulation VII, 1799, for enabling proprietors and farmers of land to realize their rents with punctuality in the provinces of Bengal, Behar, and Orissa, being [illegible] applicable in the province of Benares; as well as the pro- [illegible] Regulation respecting public sales of land for ar- [illegible] when such sales may be ordered by the Governor [illegible] Council under Sections XVII, XVIII, and XIX, Re-

gulation

gulation VI, 1795. For the extension of the above rules and provisions, with such other parts of Regulation VII, 1799, as are consistent with the rules prescribed in Regulation VI, 1795, for collecting the land revenue in the province of Benares, the Governor General in Council has enacted the following regulation, to be in force from the date of its promulgation in the province abovementioned.

Landholders and farmers empowered by Section II, Regulation XLV, 1795, to distrain arrears of rent, authorized to delegate this power to their agents.

II. The taloukdars, zemindars, and other landholders and farmers of land, empowered by Section II, Regulation XLV, 1795, to distrain the crops, cattle, and other personal property of their under-tenants for arrears of rent, are authorized to delegate to their naibs, gomastahs, and other agents, employed in the collection of their rents, the power of distraining in their behalf in the mode prescribed by the regulations, under the responsibility declared in Section XXIX, Regulation XLV, 1795; and the naibs, gomastahs, and other agents, to whom such power may be delegated by their principals, are authorized to proceed for the recovery of arrears of rent due to their constituents in the same manner as the latter are authorized to proceed, subject to their own responsibility, in addition to that of their principals for any wilful deviation from the regulations; but it is hereby declared, that neither the landholders and farmers themselves, nor their agents, are to be made liable to the penalties prescribed for a deviation from any part of Regulation XLV, 1795, or of any other regulation relative to the distraining for land-rents, unless such deviation shall clearly appear to have been wilful and intentional, or to have proceeded from gross neglect or inattention to the rules prescribed for their guidance. Where no such wilful deviation or gross neglect shall appear, satisfaction to the party aggrieved for the actual damage sustained by him from the prescribed process not having been adhered to, shall alone be adjudged against the distr[illegible] any judgment be given for such damages, if the distra[illegible] that he tendered sufficient indemnification to the party [illegible] soon as the irregularity in his proceedings was dis[illegible]

Agents to whom such power may be delegated, authorized to levy distress for arrears of rent due to their constituents.

Subject to their own responsibility, in addition to that of their principals.

Neither landholders, farmers or their agents liable to prescribed penalties, except in case of wilful deviation from, or gross neglect of, the regular process for distraining.

Where no wilful deviation or gross neglect shall appear, satisfaction for actual damage only to be adjudged.

And [illegible] distrainer can shew that he tendered sufficient indemnification.

at any time before the action for damages was brought against him, and that such tender was refused.

III. Such part of Section V, Regulation XLV, 1795, as enacts that "under-farmers, ryots and dependant talookdars, shall not "be considered to have defaulted until the arrears have been in-"effectually demanded from them, and also from their surety, "if they shall have given security, and the surety shall be forth-"coming," is hereby rescinded; and under-tenants of every description are to be considered defaulters for any arrears of rent withheld beyond the day on which the same may have become payable, according to their kubbooliet, or other engagements, or where there may be no written specification of the exact term of payment, beyond the period when the rent demandable from them may be payable according to established local usage. For all such arrears which may not be paid on demand, defaulters are declared liable to immediate distress, whether the amount shall have been demanded from their sureties or otherwise. In instances wherein the distrainer may proceed to levy distress from an under-tenant, who has given security, without having previously demanded the arrear from the surety, it will be incumbent on the tenant to give notice of the distress to his own surety, so as to enable him to discharge the arrear before the sale of the property attached; or the distrainer, if he think proper, may give notice to the surety and require him to make payment of the arrears. The distrainer may also at his option distrain in the prescribed mode, either the property of the defaulter or his surety, or the property of both, so that the whole distress be not excessive in proportion to the arrear; but no distress shall be levied on the property of the surety, until the arrear shall have been ineffectually demanded from the defaulter, unless the latter shall have absconded, or be otherwise not forthcoming, in which case, and in the event of the surety's not discharging the amount due on demand, distress may be levied from his property for the recovery of it, in like manner as if the defaulter had been present and served with the demand in the first instance.

Part of Section V, Regulation XLV, 1795, rescinded.

Under-tenants to be considered defaulters for any arrears of rent withheld beyond the day on which they become payable.

For such arrears not paid on demand, defaulters liable to distress.

Tenant to give notice of distress to his surety.

Or distrainer may give notice to the surety and require payment from him.

Distrainer may also at his option distrain property of surety.

Or the property of both the defaulter and his surety; so that the distress be not excessive.

Provided the arrear be first demanded from the defaulter if forthcoming.

IV.

gulation VI, 1795. For the extension of the above rules and provisions, with such other parts of Regulation VII, 1799, as are consistent with the rules prescribed in Regulation VI, 1795, for collecting the land revenue in the province of Benares, the Governor General in Council has enacted the following regulation, to be in force from the date of its promulgation in the province abovementioned.

Landholders and farmers empowered by Section II, Regulation XLV, 1795, to distrain arrears of rent, authorized to delegate this power to their agents.

II. The talookdars, zemindars, and other landholders and farmers of land, empowered by Section II, Regulation XLV, 1795, to distrain the crops, cattle, and other personal property of their under-tenants for arrears of rent, are authorized to delegate to their naibs, gomastahs, and other agents, employed in the collection of their rents, the power of distraining in their behalf in the mode prescribed by the regulations, under the responsibility declared in Section XXIX, Regulation XLV, 1795; and the naibs, gomastahs, and other agents, to whom such power may be delegated by their principals, are authorized to proceed for the recovery of arrears of rent due to their constituents in the same manner as the latter are authorized to proceed, subject to their own responsibility, in addition to that of their principals for any wilful deviation from the regulations; but it is hereby declared, that neither the landholders and farmers themselves, nor their agents, are to be made liable to the penalties prescribed for a deviation from any part of Regulation XLV, 1795, or of any other regulation relative to the distraining for land-rents, unless such deviation shall clearly appear to have been wilful and intentional, or to have proceeded from gross neglect or inattention to the rules prescribed for their guidance. Where no such wilful deviation or gross neglect shall appear, satisfaction to the party aggrieved for the actual damage sustained by him from the prescribed process not having been [illegible] adhered to, shall alone be adjudged against the distr[illegible] any judgment be given for such damages, if the distra[illegible] that he tendered sufficient indemnification to the party [illegible] soon as the irregularity in his proceedings was dis[illegible]

Agents to whom such power may be delegated, authorized to levy distress for arrears of rent due to their constituents.

Subject to their own responsibility, in addition to that of their principals.

Neither landholders, farmers or their agents liable to prescribed penalties, except in cases of wilful deviation from, or gross neglect of, the regular process for distraining.

Where no wilful deviation or gross neglect, may appear, satisfaction for actual damage only to be adjudged.

And [illegible] distrainer can shew that he tendered sufficient indemnification.

at any time before the action for damages was brought against him, and that such tender was refused.

III. Such part of Section V, Regulation XLV, 1795, as enacts that "under-farmers, ryots and dependant talookdars, shall not "be considered to have defaulted until the arrears have been in-"effectually demanded from them, and also from their surety, "if they shall have given security, and the surety shall be forth-"coming," is hereby rescinded; and under-tenants of every description are to be considered defaulters for any arrears of rent withheld beyond the day on which the same may have become payable according to their kabooleeats, or other engagements, or where there may be no written specification of the exact term of payment, beyond the period when the rent demandable from them may be payable according to established local usage. For all such arrears which may not be paid on demand, defaulters are declared liable to immediate distress, whether the amount shall have been demanded from their sureties or otherwise. In instances wherein the distrainer may proceed to levy distress from an under-tenant, who has given security, without having previously demanded the arrear from the surety, it will be incumbent on the tenant to give notice of the distress to his own surety, so as to enable him to discharge the arrear before the sale of the property attached; or the distrainer, if he think proper, may give notice to the surety and require him to make payment of the arrear. The distrainer may also at his option distrain in the prescribed mode, either the property of the defaulter or his surety, or the property of both, so that the whole distress be not excessive in proportion to the arrear; but no distress shall be levied on the property of the surety, until the arrear shall have been ineffectually demanded from the defaulter, unless the latter shall have absconded, or be otherwise not forthcoming, in which case, and in the event of the surety's not discharging the amount due on demand, distress may be levied from his property for the recovery of it, in like manner as if the defaulter had been present and served with the demand in the first instance.

Part of Section V, Regulation XLV, 1795, rescinded.

Under-tenants to be considered defaulters for any arrears of rent withheld beyond the day on which they become payable.

For such arrears not paid on demand, defaulters liable to distress.

Tenant to give notice of distress to his surety.

Or distrainer may give notice to the surety and require payment from him.

Distrainer may also at his option distrain property of surety.

Or the property of both the defaulter and his surety; so that the distress be not excessive.

Provided the arrear be first demanded from the defaulter if forthcoming.

IV.

Notice of fifteen days directed in Section VIII, Regulation XLV, 1795, and period of fifteen days given by Section XX, of that regulation, for sale of attached property, rescinded. Future notice to be given to defaulters.

IV. The rule for giving a notice of fifteen days for the sale of attached property directed in Section VIII, Regulation XLV, 1795, and for allowing a period of fifteen days from the time of attachment for the sale of such property, by Section XX of the above regulation, is hereby rescinded, and the notice to the defaulter, directed to accompany the inventory of the attached property to be delivered to him, shall inform him only of the arrear due, and the intention of the distrainer to bring the attached property to immediate public sale, for the discharge of it, unless the amount and expences of attachment be previously paid. If the defaulter on receiving this notice, shall neglect to pay the amount due from him, or to give such assurance of early payment as may be satisfactory to the distrainer; or if the defaulter shall have absconded or be otherwise absent, so that the notice cannot be served on him, the distrainer is to transmit an inventory of such part of the attached property as can be brought to immediate sale, to the nearest cauzy or other public officer empowered to sell distrained property, with a written request, that he will cause the same to be publicly sold for the discharge of the arrear due; the amount of which is also to be specified in the application, together with the place where the property may be in attachment, and (if it be the intention of the distrainer to remove it, under the discretion vested in him by Section X, Regulation XLV, 1795,) the place to which it is intended to remove it. The cauzy or other authorized officer, on receipt of such application, is to proceed as directed in Section XX, Regulation XLV, 1795, under the following further provisions, viz. instead of fixing the day of sale on the fifteenth day after the attachment, he shall fix as early a day for the sale as may be compatible with a due observance of the other directions in that section for the appraisement of the property and the publication of the intended sale of it, which is to be made by beat of drum on one market day at the least, before the market day on which the sale may take place, as well as on the morning of the day of sale; and the sale is in no instance to take place before the expiration of five complete days after the attachment, exclusive of the

Inventory and particulars to be transmitted by distrainer to cauzy or other officer empowered to sell distrained property.

Cauzy or other officer how to proceed on receiving applications for the sale of distrained property.

No Sale to take place before expiration of five

the day on which the attachment may have been made. The same principle is to be observed with respect to the sale of ungathered products after the distrainer shall have gathered and stored them as required by Section XI, Regulation XLV, 1795, and which are not to be sold until publication shall have been made as above directed.

complete days after the attachment.
Or after storing products ungathered at the time of attachment.

V. As a compensation to the cauzies and other public officers empowered to dispose of property under distraint both for their personal trouble, and for the expence they may incur in publishing and making such sales, as well as in causing the attached property to be appraised, as directed by Section XX, Regulation XLV, 1795, they shall draw a commission of one anna in the rupee on the amount sales of the property sold by them, to be deducted from the proceeds, and charged to the account of the defaulter, with the other expences attending the attachment. But no such commission shall be drawn, nor any charge made to the defaulter beyond the expences actually and necessarily incurred in the event of the sale being stopped by his discharge of the arrear due from him or otherwise. It is expected that this allowance to the officers entrusted with the sale of distrained property, will ensure the faithful discharge of the trust reposed in them; and any collusion with the defaulter, distrainer, or purchaser, or other misconduct in the execution of the duty committed to them, will render them liable to immediate dismission from their offices in the mode provided by the regulations, besides subjecting them to the other penalties therein specified, and full damages to the party injured.

Commission to be drawn by officers authorized to sell distrained property if the sale take place, but not otherwise.

Faithful discharge of trust expected in consequence of such allowance.

Punishment of collusion or other misconduct.

VI. By Section XXVII, Regulation XLV, 1795, the native commissioners appointed to determine suits not exceeding fifty rupees under Regulations XL, 1793, and XXXI, 1795, are authorized and required to dispose of distrained property under the prescribed rules, on application made to them; and the zillah judges are empowered to appoint as many other persons as may be requisite for facilitating the sale of property liable to distraint

Recapitulation of Section XXVII, Regulation XLV, 1795.

for

Cauzies may be formed under above Regulation, and shall be subject to Section XXXII, 1795, authorized to sell distrained property, and to appoint commissioners.

for arrears of rent. It is therefore no longer necessary to vest the cauzies generally with the powers delegated to them by Regulation XLV, 1795; and it is now declared, that such cauzies only shall be authorized to sell distrained property, under the provisions contained in Regulation XLV, 1795, and the present regulation, as may have been appointed commissioners for the trial of civil suits under Regulation XXXI, 1795, or commissioners for the sale of distrained property under Section XXVII, Regulation XLV, 1795. It is expected that the zillah judges will pay due regard to the character and qualifications of all persons whom they may appoint under this regulation; and they are to furnish the commissioners so appointed by them with commissions (sunnuds) under their official seals and signatures in the following form:—

Zillah judges to record the character and qualifications of persons appointed by them to sell distrained property.

Form of commission given to the persons so appointed.

"I A. B. judge of the dewanny adawlut of the zillah of in virtue of the powers vested in me by Regulation XLV, 1795, appoint you commissioner for the sale of property distrained on account of arrears of rent, in pursuance of the above regulation, and of Regulation 1800; you are to reside at in pergunnah , and are to exercise the authority vested in you by the above regulations, or by any other regulations that may be hereafter transmitted to you for your guidance, in strict conformity thereto, and are to keep a regular and complete record of your proceedings to be produced when called for."

Commissioners for civil suits under Regulation XXXI, 1795, and tehseeldars appointed by the collector, to be considered commissioners for the sale of distrained property, by virtue of their offices.

VII. The commissioners for the trial of civil suits appointed under Regulation XXXI, 1795, and the tehseeldars appointed by the collector for the collection of the public revenue, who are authorized to sell distrained property by Section XXVII, Regulation XLV, 1795, are to be considered commissioners for the sale of distrained property, by virtue of their offices of commissioners for civil suits, and tehseeldars so long as they may continue to hold such offices, and any separate commis-

sions

sions to them for this purpose will not be requisite; but all commissioners appointed to sell distrained property, are at all times to furnish any reports or other information that may be required from them by the zillah judges; and no person receiving a commission under Section VI of this regulation, is to be deprived of it, whilst he may reside on the spot, without sufficient reason assigned to the satisfaction of the court of sudder dewanny adawlut, to whom the zillah judges are to report all appointments made, and commissions issued by them, under this regulation, in the same manner, and under the same rules, as have been prescribed for the nomination and removal of commissioners for the trial of civil suits by Regulation XL, 1793.

That all commissioners for the sale of distrained property are to furnish any reports or information required from them by the zillah judges. And no person receiving a commission under Section VI of this regulation to be deprived of it, while resident on the spot, without the sanction of the sudder dewanny adawlut. Rules for the appointment and removal of commissioners for civil suits under Regulation XL, 1793, declared applicable to the commissioners above referred to.

VIII. The judge of the city of Benares, is authorized to appoint any number of commissioners that may be requisite for the sale of distrained property within his jurisdiction, in like manner and form as has been prescribed to the zillah judges.

Judge of the city of Benares, authorized to appoint commissioners for the sale of distrained property within his jurisdiction.

IX. In addition to the penalties provided by Section XVII, Regulation XLV, 1795, it is hereby declared, that if any under-tenant, of whatever description, shall resist or cause to be resisted the attachment of his property for arrears of rent in the mode prescribed by the regulations, so as to prevent the attachment from taking place, or shall forcibly or clandestinely take away such property after it shall have been attached; such offender shall, on proof before the dewanny adawlut, be made liable to damages to the distrainer, equal to twice the amount of the property rescued from attachment; and the property so taken away may be reattached by the distrainer, wherever it may be found. The offender and all persons concerned with him in resisting the attachment, are moreover declared liable, to be apprehended and prosecuted before the criminal courts for any breach of the peace committed by him in such resistance to the attachment, and the police officers, on information thereof, are immediately to repair to the spot, and to tak all proper measures under the regulations, as well to apprehend,

Further penalties for resistance to attachments for arrears of rent as prescribed by the regulations.

Offenders liable to damages equal to twice the amount of the property rescued from attachment.

And property taken away may be reattached wherever found.

Offenders and all persons concerned with him also liable to be apprehended and prosecuted for any breach of the peace.

Police officers how to act on information thereof in such cases.

prehend and to send to the magistrate, any persons who may appear to have broken the peace, as to support distrainers in the due exercise of the legal powers vested in them. If any person, not being the defaulter or responsible for him, claim as his right the property distrained, and the distrainer shall notwithstanding cause the same to be sold, the claimant, on proof of his right in the dewanny adawlut, and in the event of the distrainer being unable to prove that he was responsible for the arrear, on account of which the property may have been sold, shall recover from the distrainer the full value of such property, with all costs and damages, according to the circumstances of the case. But no claim to crops upon the ground, or to any gathered product of the ground attached in the possession of the defaulter, whether founded upon a previous sale, mortgage, or otherwise, shall bar the prior claim of rent, due for the ground upon which such crop or product may have been grown, it being the undoubted right of the owner of the land or his representative, to consider the produce of it mortgaged to him, for the rent of the land in the first instance, and in default of his rent being paid as engaged for (or determinable by local rates and usage where there may be no specific engagement) to distrain and sell such part of the product as may be necessary to make good the arrear due to him.

Claims to property distrained and sold, to be preferred in the dewanny adawlut.

Judgment for value of such property with costs and damages to be given against the distrainer.

But no claim to crops attached in possession of defaulter to bar the prior claim of ground rent.

X. The restrictions in Section XIX, Regulation XLV, 1795, which prohibit distrainers from forcing open the outer door of any dwelling house, and from entering the zenana or apartments of women, having been found liable to abuse, such restrictions are hereby modified as follows:—When a distrainer may have reason to suppose that the property of a defaulter is lodged within a dwelling house, the outer door of which may be shut, or within any apartments appropriated to women, which by the usage of the country are considered private, he is at liberty to represent the same to the tehseeldar, within whose jurisdiction the house may be situated, and on such representation, the tehseeldar is to send a police officer to the spot, in the presence of whom, the distrainer

Modification of restrictions in Section XIX, Regulation XLV, 1795.

Distrainer in presence of a police officer may force open the outer door of a dwelling house in which he has reason to suppose the defaulter's property to be lodged.

is authorized to force open the outer door of the dwelling house in which he may have reason to suppose the defaulter's property to have been lodged, in like manner as he is already authorized to break open the door of any room within a dwelling house, except the zenana. He may also in the presence of the police officer, after due notice given for the removal of any women within the zenana, and after furnishing means for their removal in a suitable manner, if they be women of rank, who according to the custom of the country cannot appear in public, enter the zenana apartments for the purpose of attaching any of the defaulter's property deposited therein; but such property, if found, shall be immediately removed from such apartments, after which they are to be left free to the former occupants; and nothing in this regulation is to be understood to authorize any distrainer or his agent, to force open the door of a dwelling house, or to enter the apartments of women, which by the usage of the country are considered private, in any other mode than that herein prescribed, a wilful deviation from which, will subject the offender to heavy damages, besides forfeiture of the arrear of rent, on account of which, the distress may be levied.

And with certain precautions may enter zenana apartments to attach property.

But such property is to be immediately removed and the apartments left free to occupants.

Penalty for forcing open the door of a dwelling house or entering the apartments of women contrary to any other mode than that herein prescribed.

XI. In all cases wherein persons authorized to distrain property for arrears of rent, may apply to the tehsildar of the jurisdiction to depute a police officer to be present at the time of making the attachment, with a view to prevent resistance or other breach of the peace, the tehsildar shall as far as may be in his power, immediately comply with such applications; and the police officers so deputed, shall use every means in their power to prevent resistance or other breach of the peace in such cases; he shall also give due attention to the whole conduct and proceedings of the distrainer, so as to be able to give evidence thereon, if afterwards required, either before the judge or magistrate.

Tehsildars on application to depute an officer to be present at attachment for arrears of rent.

Officers so deputed, to use every means to prevent resistance or other breach of the peace, and to attend to the conduct of distrainers.

XII. It being a frequent practice with the under-tenants to lodge unfounded complaints in the foujdarry adawlut against persons

The courts of justice to discourage and punish unfounded

lons

Complaints against persons attaching their property, as well as officers employed in collecting their rents, and likewise summoned as witnesses, merely to create embarrassments and delay in the collections.

sons attaching their property, as well as against the officers employed in collecting their rents, and likewise to cause their being summoned as witnesses in causes, with the merits and circumstances of which they are totally unacquainted, for the sole purpose of creating embarrassment and delay in the collection of the rents, the courts of justice are required at all times to discourage and punish such culpable practice, as far as the powers vested in them by the regulations may admit. Section X, Regulation IX, 1793, is to be strictly enforced in all cases of litigious and unfounded complaints of the nature herein referred to before the magistrate, and in instances of the zemindary officers or others employed in the collections being improperly summoned as witnesses, in the civil courts, the party who summoned them shall be compelled, under Section VI, Regulation IV, 1793, to make them such allowance for their expences as may be sufficient for their full indemnification. It is further hereby declared, that if any person shall wantonly, and without good cause, be the means of summoning to the courts of justice, civil or criminal, the principal officer engaged in collecting the rents of any talookdar, zemindar, or other landholder, or farmer of land, and a loss of rent or other evident damage, shall be sustained by the landholder, or farmer, in consequence of such wanton and unnecessary summons, an action shall lie against the party who caused the summons, for such loss or damage; and on proof thereof in the dewanny adawlut, or before the native commissioners appointed under Regulation XL, 1793, if the case be cognizable by them, the party injured shall be entitled to recover the amount with all costs of suit.

Section X, Regulation IX, 1793, and Section VI, Regulation IV, 1793, to be strictly enforced in such cases.

Compensation to be adjudged also, with all costs of suit, for any loss or damage sustained by the wanton summons of any officers engaged in collecting the rents.

XIII. The civil courts are already directed by Section XXXII, Regulation XLV, 1795, to hear and determine all suits instituted under that regulation previous to any others that may be depending. They are moreover instructed to appropriate one day in each week, or two or more days, if necessary, for the trial of suits regarding the rent of land, or the public revenue assessed thereon in conformity to Section XXII, Regulation III, 1794.

Section observance required of Section XXXII, Regulation XLV, 1795.

Section XXII, Regulation III, 1794, referred to.

1794, hereby extended to Benares; and in all cases cognizable by the native commissioners, appointed under Regulation XXXI, 1795, the latter are to hear and determine suits respecting rent or revenue before any others that may be depending. It is further hereby declared, that Section XXXI, Regulation XLV, 1795 which authorizes persons whose property may have been distrained to sue for any injury sustained thereby in the zillah dewanny adawlut, and allows landholders and farmers of land to sue defaulters or their sureties in the zillah dewanny adawlut for arrears of rent, instead of distraining their property, if such mode of procedure be preferred by them, was not meant to restrict the native commissioners appointed under Regulation XXXI, 1795, from taking cognizance of any suits of the above description not exceeding fifty sicca rupees, whether preferred to them in the first instance in their capacity of munsiffs, or referred to them by the judge of the dewanny adawlut under the provisions contained in the above regulation.

And native commissioners under Regulation XXXI, 1795, to determine suits respecting rent or revenue before any others depending.

Explanation of Section XXXI, Regulation XLV, 1795.

Not meant to restrict native commissioners from taking cognizance of suits for rent or revenue not exceeding fifty sicca rupees.

XIV. *First.* Any talookdar, zemindar, or other proprietor of farmer of land, to whom an arrear of rent may be due from a dependant zemindar, kutkinadar, jotedar, or other under-tenant of whatever denomination, which cannot be realized by distraining the personal property of such under-tenant, and his surety (if he shall have given security) is at liberty, after demanding such arrear from the defaulter, and from his surety, if forthcoming, or without any express demand, if he have reason to believe that the defaulter or his surety is prepared to abscond, to cause the immediate arrest of such defaulter and his surety in the manner following.

Any landholders or farmer to whom an arrear of rent may be due from an under-tenant which cannot be realized by distress, may cause the arrest of the defaulter and his surety in the manner following.

*Second.* The proprietor or farmer to whom the arrear may be due, or his authorized agent, is to present a petition to the judge of the zillah dewanny adawlut, or in cases wherein there may be reason to apprehend the immediate elopement of the defaulter or his surety, to the native commissioner appointed under Regulation

Petition to be presented to judge of the dewanny adawlut or native commissioner appointed under Regulation XXXI, 1795.

XXXI,

What such petition is to contain.

XXXI, 1795, within whose jurisdiction the party may reside, specifying the arrear due from the defaulter, and praying that he and his surety (in case he shall have given security) may be taken into custody unless the amount be paid. On receipt of a petition to this effect by a native commissioner appointed under Regulation XXXI, 1795, he shall, if the defaulter and his surety, or either of them be within his jurisdiction, immediately cause such party to be arrested, and unless immediate payment be made of the arrear demanded, shall within twenty-four hours, cause him to be conveyed to the judge of the zillah dewanny adawlut, who shall proceed thereon in like manner as he is hereafter directed to do in the event of the petition being presented to him, and of the party having been arrested by his immediate order. But no native commissioner shall detain any defaulter or surety in custody without sending him to the judge, above twenty-four hours, under penalty of being dismissed from his office, and made liable to prosecution for false imprisonment, unless the party in arrest shall, by a written application, desire the same for the purpose of adjusting his arrear with the party who caused his arrest, and the latter shall assent thereto, in which case his written acquiescence is to be superscribed or endorsed on the application with his signature, and to be written in such specific terms as may leave no doubt of the time for which such assent to stay process is given.

Native commissioner how to proceed on receipt of such petition.

And judge how to proceed on the party arrested by a native commissioner being brought before him.

No commissioner, etc. to detain a defaulter or surety in custody without sending him to the judge above twenty-four hours.

Except by desire of the parties, and under a written assent to stay process.

*Third.* If the petition of arrest, stated in the preceding clause, be presented in the first instance to the zillah judge (and to save time it is allowed to be presented either in or out of court, and by any authorized agent, whether one of the established vakeels of the court or otherwise); the judge, if the defaulter or surety be within his jurisdiction, is immediately to issue a dustuck for the arrest of such party, and to bring him before the court, unless he pay the arrear demanded, and if such payment be not made on serving the dustuck, or within twenty-four hours afterwards (which time is to be allowed to the party arrested to adjust the demand) the officer charged with the dustuck, is to complete the execution

Judge how to proceed if the petition of arrest be presented to him in the first instance.

Dustuck for arrest issued by the judge how to be executed.

execution thereof, by conveying the party to the zillah court. Provided however, that if the party arrested, shall, by a written application, request a longer period than twenty-four hours to adjust the demand against him, and the party causing the arrest shall by a written superscription or endorsement on such application, acquiesce therein, the officers charged with the dustuck, shall delay the execution accordingly; and whenever the party at whose instance the dustuck may have been issued, shall, by a written derkhaust, declare himself satisfied, and desire the arrest to be withdrawn, it shall be immediately withdrawn accordingly, the officers charged with the dustuck (who are never to exceed two in number unless in any particular case a greater number be considered necessary to prevent escape), being at the same time paid the tullubaneh due to them at the rate of two annas per diem, or any lower rate that may have been the customary allowance to persons deputed with revenue processes.

Dustuck when to be withdrawn.

Number of officers to be charged with dustuck.

And rate of tullubaneh to be allowed them.

*Fourth.* When a defaulter or his surety may be brought to the zillah court under either of the two preceding clauses, the judge shall call upon him to answer the demand against him, and if he deny it, or any part of it, shall enter upon a summary enquiry into the merits of it, by examining the vouchers and accounts of the parties; or may refer the case to the collector of the district for adjustment and report, as he is authorized to do in all causes of rent, and other matters heretofore cognizable in the courts of maal adawlut, by Section XIII, Regulation VIII, 1794, extended to Benares by Section II, Regulation LIV, 1795, and as the judges in general are now required to do, in every cause of this description, which neither themselves nor their registers, may be able from other avocations, to try and determine without delay, and which may not be cognizable by the native commissioners acting under them. The landholders and farmers are allowed to employ any vakeel they may think proper to appoint, provided he be duly empowered by them, to attend such enquiries, before the collectors, as well as the summary enquiry directed in this regulation before the judge.

Summary enquiry to be made by the judge upon a party's being brought before him.

Or case to be referred by him to the collector.

Judges required to refer to the collectors, all causes heretofore cognizable in the courts of maal adawlut, which neither themselves or their registers may be able to determine.

*Fifth.*

In what cases the defendant is to be discharged with costs and damages.

*Fifth.* The judge after receiving the collector's report, if the case be referred to him for adjustment, or after completing his own enquiry, (if it be not so referred,) is to discharge the defendant, with full costs and damages, if it appear that no arrear is due from him, or that the arrear demanded has been wilfully misstated by the plaintiff, and a considerable proportion of the demand is not justly due. But if it appear that the arrear demanded, or a considerable proportion thereof, be justly due from the defendant, he is to be kept in close custody, until he pay the amount, with all costs, and interest on the arrear at the rate of one per cent per mensem; or until the plaintiff make application to the court for his release. The plaintiff is to pay to such defendant, whilst in confinement, the same allowance for his subsistence as is fixed for other prisoners in the jail of the dewanny adawlut by Section VIII. Regulation IV. 1793, viz. such allowance as the judge may think proper on consideration of the rank and situation of the prisoner, not exceeding four annas, nor less than one anna per diem; and the payment is to be made in the same manner, and under the same provisions as prescribed in the above section.

Defendant to be kept in close custody, if the arrear demanded be found due from him, and to pay costs and interest.

Subsistence allowance to be paid by plaintiff.

In what cases proprietors and farmers of land may attach the farm, jote, or other tenure of their defaulting tenants.

*Sixth.* When an under-farmer, jotedar, or other under-tenant, arrested as above described, shall not immediately discharge the arrear demanded from him, and shall in consequence be taken into custody by the judge of the dewanny adawlut, the proprietor or farmer of land, to whom such arrear may be owing, is at liberty to attach the farm, jote, or other tenure of such defaulter, and to manage the same by his own agents, or in such manner as he may think proper, until the rent due to him, with the further rent that may become due after the attachment, and interest upon the whole arrear at the rate of one per cent per mensem, shall have been liquidated from the produce. But in such cases of attachment, the proprietor or farmer making the same shall not exact more from the cultivators of the soil, and other descriptions of inferior tenantry, whose rents for the current year may have been payable to the defaulter, than the defaulter himself would have

Redress against undue exactions from the cultivators of the soil.

been

been entitled to receive from them, if the attachment had not taken place (cases of collusion and illegality under the regulations excepted); and in the event of the defaulter making good the arrear due from him, with interest at the rate of one per cent per mensem, at any time within the current year, the attachment shall be immediately withdrawn, and a full and fair account rendered to him of all receipts and disbursements during the continuance of it.

Attachment to be withdrawn on payment of the arrear due, with interest.

*Seventh.* If the arrear be not liquidated within the current Fussily year, either by the payments of the defaulter or his surety, or by the attachment of his tenure, the talookdar, zemindar, or other proprietor of the land, or the farmer in whose farm the defaulter's tenure may be included, (if such farmer's lease extend beyond the current year) is at liberty, at the commencement of the ensuing year, to make such provision for the future receipt of the rents payable to him from the land tenanted by the defaulter, as he may judge proper, and may be consistent with the rights of all other persons concerned. If the defaulter be an underfarmer for the past year only, or whose leafe may have expired with the past year, he can of courfe have no claim to any further leafe, and although his leafe may not have expired, if he shall have neglected to fulfil the conditions of it by the payment of his stipulated rent, it must be considered liable to be annulled, or otherwife at the option of the lessor. If the defaulter be a dependant zemindar or the holder of any other tenure, which, by the title deeds or eftablished usage of the country, is transferable by sale or otherwife, it may be brought to sale by application to the dewanny adawlut, in satisfaction of the arrear of rent, and the purchaser will become the tenant for the year; or, if the defaulter be a leafeholder or other tenant, having a right of occupancy only so long as a certain rent or a rent determinable on certain principles according to local rates and usages be paid, without any right of property or transferable possession, the proprietor of whom such tenure is held, or the farmer or other person to whom such pro-

What further measures may be taken by the zemindars and farmers for the security of their future rents.

prietor may have leased or committed his rights, must be understood to have the right of ousting the defaulting tenant from the tenure he has forfeited by a breach of the conditions of it. In such cases (viz. in the several cases enumerated in this clause under the stated exception when a sale of landed property may be desired) proprietors and farmers of land are at liberty to exercise the just power appertaining to them without any previous application to the courts of justice; but they will be held responsible for all acts done by them, or by their agents, which may exceed their just powers, and infringe the rights of under-tenants of whatever description, whether founded on pottahs or other written deeds and engagements, or on long prescription and established local usage. This regulation is not meant to define or limit the actual rights of any description of landholders or tenants, which can be properly ascertained and determined by judicial investigation only, but merely to point out in what manner defaulting tenants may be proceeded against in the event of their not paying the rents justly due from them, leaving them to recover their rights, if infringed, with full costs and damages, in the established courts of justice, under the provisions already stated in this regulation for bringing such causes to a determination with the least possible delay.

Proprietors and farmers of land at liberty to exercise their just powers.

But will be held responsible for all acts done by them or their agents infringing the rights of their under-tenants.

*Eighth.* In like manner in all other instances, the courts of justice will determine the right of every description of landholder and tenant, when regularly brought before them, whether the same be ascertainable by written engagements, or defined by the laws and regulations, or depend upon general or local usage, which may be proved to have existed from time immemorial; but it is hereby declared that no part of the existing regulations was meant to deprive the talookdars, zemindars, and other landholders of the power of summoning, and if necessary, compelling the attendance of their tenants for the adjustment of their rents, or for any other just purpose; or of measuring any land within their respective estates, which may be liable to measurement under the conditions upon which such land may have been leased or held. For the just

The courts of justice to determine the rights of every description of landholders and tenants.

exercise

exercise of such rights and powers, the landholders are not required to make any previous application to the courts of justice, and any person opposing them therein, will, on proof in the dewanny adawlut, be liable to full damages and all costs, besides being subject, for any breach of the peace, to prosecution and punishment in the criminal courts; but the landholders, their agents and representatives, will be held answerable for any abuse or unjust exercise of the powers hereby declared to be vested in them, and on proof thereof by the party aggrieved in the dewanny adawlut, they will be liable to pay full costs and damages, besides a fine to government if the case shall appear to deserve it.

Penalty for any opposition to the landholders in the just exercise of their rights.

Also for any abuse of the above powers by the landholders.

XV. Persons confined under Clause Fifth of the preceding section, and desirous of bringing the demand upon them to a regular judicial investigation and decision in the dewanny adawlut, are at liberty to institute a suit against the landholder or farmer, at whose instance they may have been confined, for this purpose, and should the amount demanded by them be found upon trial not to have been due, they shall receive judgment for full costs and damages against the party by whom it may have been claimed. They shall also be entitled to a similar judgment, with interest at the rate of one per cent per mensem, upon the amount paid by them, and found not to have been justly due from them, if they shall discharge the demand upon them, with a view to obtain their release from arrest or from subsequent confinement under the preceding section, and shall afterwards, in a suit in the dewanny adawlut for recovery of the amount so paid, establish that it was not due from them at the time of the demand.

Persons confined under Clause Fifth of the preceding section, may institute a suit in the dewanny adawlut.

Judgment to be passed, if the arrears demanded by them be found not due.

Or if the demand be discharged by arrears, and afterwards found not due.

XVI. Proprietors and farmers of land, whose claims to arrears of rent may be rejected by the zillah judge, on the summary enquiry directed in Section XIV of this regulation, are also at liberty to institute a regular suit in the dewanny adawlut for the recovery thereof; and if, on trial, the amount claimed by them shall be found to have been due when the summary judgment was given

Claims rejected on the summary enquiry may be also sued for in dewanny adawlut.

Judgment to be given, if such claims be established.

given against them in the first instance, they shall be entitled to receive back any sums paid by them for costs or damages under such judgment, and to a decree from the zillah court, for the arrears of rent due to them, with interest at the rate of one per cent per mensem, and the full costs incurred by them, as well for the summary enquiry, as on the regular suit.

Summary judgments under Section XIV, not open to appeal.

XVII. That no doubt may be entertained whether the summary judgments which the zillah courts are authorized to pass under Section XIV of this regulation, are open to appeal, to the provincial courts of appeal, it is hereby declared, that they are not subject to appeal, as any person considering himself aggrieved by them can have his remedy by a regular suit in the dewanny adawlut, as above pointed out. It is also declared, that no institution fees, or fees upon exhibits, are to be levied on the summary processes authorized by the section above mentioned, but the rules in Regulation VI, 1797, and in all other regulations, relative to stampt paper, are to be considered applicable to the proceedings in question in like manner as in all other cases, wherein stampt paper is required to be used, whether for original petitions or for [illegible]

Institution fees &c. not to be levied on summary processes. But rules regarding stampt paper applicable to them.

Rules in preceding sections applicable to managers of estates, as well as to the officers of government.

XVIII. The rules in the whole of the preceding sections, for the recovery of arrears of rent due to proprietors and farmers of land, are to be considered equally applicable to the managers of estates, as well as to the collectors or other public officers holding lands in attachment for the purpose of adjusting the public assessment on them, or for any other purposes, or making a khas collection on the part of government, where no settlement has been made with any proprietor or farmer; and the authorized agents of such managers, collectors, or other public officers, provided they be so commissioned and instructed, are to exercise the same authority as is vested in the agents of proprietors and farmers of land, by Section II of this regulation.

The foregoing provisions for

XIX. It is further to be understood, that whatever powers are vested

vested in, and duties required from, the zillah judges, by any part of the preceding sections of this regulation, are meant to be equally vested in, and required from the judge of the city of Benares, and the whole of the foregoing provisions to be in force throughout the jurisdiction of the city judge, as far as the same may be applicable. The provisions in Section XIV, as far as they can be applied, are likewise declared to extend to the sudder and mofussil amlah, or native agents of every description, employed by the landholders and farmers in the management of their estates and farms, or collection of their rents. Any landholder or farmer having demands upon such agents whilst in his service, or immediately after their resignation or dismission from his service, whether for money in their hands, or for accounts which they may refuse to render, or for any matter relating to the discharge of their respective trusts whilst in his employ, may proceed against them for their arrest and confinement, in like manner as by Section XIV of this regulation, he is authorized to proceed against defaulting under-tenants, and the zillah and city courts, and native commissioners, are to take the same measures for the aid of the landholders and farmers in such cases, as they are directed to take for the recovery of arrears from defaulting tenants.

the zillahs, to be also in force in the city of Benares.

Provisions in Section XIV, extended to the agents of landholders and farmers.

XV. The foregoing rules will afford proprietors and farmers of land the means of realizing their rents with promptitude and facility, and the utmost punctuality will consequently be expected from them in the payment of their revenue to government. The process, by which the collector and tehseeldars are to realize the land revenue in the province of Benares, has been prescribed in Regulation VI, 1795, and the following provisions are now made in addition thereto.

Punctuality expected from landholders and farmers.

Provisions in addition to Regulation VI, 1795.

XVI. If the whole or any part of the monthly instalment payable by a proprietor or farmer of land, be not discharged by the date on which it may become due, as required by Sections III, and VII, Regulation VI, 1795, the defaulter for the amount remaining undischarged

Landholders and farmers to be charged with interest on all arrears of revenue.

be discharged shall be liable to the payment of interest at the rate of one per cent per month, from the day on which the arrear became due, until it be discharged as provided by Section XI of the above regulation; but with this difference, that the collector shall not wait the order of the board of revenue, nor shall the board of revenue wait the *Mention* of the *Governor General in Council*, to levy such interest, which is to be demanded and enforced in the same manner as all other revenue demands are enforced, as a common interest upon money due, unless in any particular instances it should appear to the collector just and proper to exempt the defaulter from the payment of such interest; in which case, he is to report the circumstances to the board of revenue, and be guided by their instructions.

Exception.

Reiteration of Section XIV, Regulation VI, 1795.

XXII. By Section XIV, Regulation VI, 1795, it is prescribed, that "In all cases of the default, or confinement of persons from whom revenue may be due, the collector is to issue directions to the sheriffs of the district in which the lands of the defaulter may be situated, to levy the public revenue by realizing, in conjunction with the sheriffs, the defaulter's full share of the assessment on the arrear to the end of the year, or until such time as he or his surety, in case he shall have given security, shall have paid up the balance, together with the charges of the peons who may have taken him into custody." It is further hereby enacted, that whenever a proprietor or farmer of land may subject himself to confinement, and his estate or farm to attachment, for arrears of revenue under the provisions contained in Regulation VI, 1795; but if the collector shall be of opinion that, instead of confining the person of the defaulter and attaching his estate or farm, the arrear due from him will be more speedily discharged by distraining and selling any personal property belonging to the defaulter and his surety according to the prescribed process in Regulation XLV, 1795, and the preceding sections of this regulation, whereby landholders and farmers are authorized to recover arrears of rent from their under-tenants by distraining and selling the

In what cases the collector may state the personal property of defaulting landholders to be distrained.

personal

personal property of the latter; or if in any case, notwithstanding the confinement of a defaulting proprietor, or farmer, and the attachment of his estate or farm for an arrear of revenue, such arrear be not discharged, and the defaulter or his surety shall possess any personal property, from which the same can be made good, the collector may, in all such cases, direct the tehsildar of the district in which the personal property of the defaulter and his surety may be forthcoming, or, if it be a huzzoory mahal, any officer whom he may think proper to appoint for the purpose, to cause the personal property of the defaulter and his surety to be distrained and sold, as far as necessary for the recovery of the arrear due, in the mode and under the restrictions prescribed by the regulations with regard to the distress and sale of the personal property of under-tenants for the recovery of arrears of rent due from them to proprietors and farmers. The collector also, in all cases wherein he may judge it expedient, is empowered to vest the tehsildars with discretionary authority to proceed against defaulters within their respective tehsildaries by the established process of distress and sale, without waiting for his previous sanction; but in such cases the tehsildars will be held personally answerable, if the amount for which the distress may be levied, is found not to have been justly due; and in all cases wherein property may be distrained and brought to sale by the tehsildars, they will be held responsible for any wilful deviation from the regulations, as prescribed with regard to the agents of landholders and farmers, in Section II. of this regulation.

For what mode and under what restrictions such distress and sale to take place.

In what cases the collector may vest tehsildars with a discretionary authority to proceed against defaulters by established process of distress and sale.

Responsibility of tehsildars in such cases.

And whenever property may be distrained and brought to sale by them.

XXIII. Whenever the estates of defaulting proprietors, or the farms of defaulting farmers, may be attached under Sections XIV. and XV. Regulation VI. 1795, if the arrear due, with any further arrear that may become due from the same proprietor or farmer, be discharged from the collections or otherwise at any period before the end of the current Fuslly year, together with the amount of any expense attending the attachment, such attachment shall be immediately withdrawn, and a full and fair account rendered of all

Attachments for arrears when to be withdrawn.

all receipts and disbursements during the continuance of it. Moreover the liberty given by Section XVI, Regulation VI, 1795, to prosecute the collector or tehsildar in the zillah and city courts of dewanny adawlut for any breach of the rules contained in that regulation, is extended in like manner to a breach of any of the rules in the present regulation; but such part of the above section as authorizes the judge of the dewanny adawlut, on security being given by the plaintiff, to issue a precept for his discharge from confinement and personal restraint, shall not be considered as directing the attachment of the plaintiff's estate or farm to be withdrawn, unless the arrear of revenue claimed from him by the collector or tehsildar be paid; nor shall the distress and sale of any personal property belonging to the plaintiff, be stopped on account of his having instituted a suit against the collector or tehsildar contesting the justice of the demand upon him. Provided, however, that if any proprietor or farmer of land, from whom an arrear of revenue may be demanded, shall, by a written representation to the collector, deny the justness of such demand, but to prevent any coercive process being issued against him, shall discharge the demand, and shall afterwards establish by a suit in the dewanny adawlut, that the amount so paid by him, or any part thereof, was not justly due, the amount of the excess so established, shall be immediately repaid from the public treasury, with interest at the rate of twelve per cent per annum, from the date on which such excess may have been received to the date of repayment.

Liberty to prosecute collector or tehsildar under Section XVI, Regulation VI, 1795.

Proviso in favor of proprietors or farmers, if claiming the excess of demand.

Rule in Regulation VI, 1795, applicable to this case.

The rules in Regulation VI, 1795, respecting suits instituted against the collector for sums received by him on the part of government, are to be considered applicable to suits that may be instituted against the collector under this section; and all the provisions in the above regulation for the punishment of resistance, disobedience, or evasion of the collector's process against defaulting proprietors or farmers, are to be still considered in full force, and applicable to any process issued by the collector under this regulation. As however under Section II, Regulation V, 1798, the decrees of the provincial courts of appeal are declared final to the amount

Proceedings against defaulters.

amount of five thousand siccа rupees, that amount is to be considered the standard for appeals to the sudder dewanny adawlut, instead of one thousand rupees before limited, and the same rule is to be applied to all other parts of the regulations in which an appeal was authorized to the court of sudder dewanny adawlut antecedent to the condition of Regulation V, 1798, for the limitation of appeals to that court.

Explanation with respect to standard of appeals to the sudder dewanny adawlut.

XXIV. The provisions in Section XV, Regulation VI, 1795, in cases of attachment, are likewise to be still considered in full force, except that the injunction to the tehsildar to collect from the ryots according to their engagements with the defaulter, is not to be considered applicable to engagements evidently collusive, which may have been contracted in expectation of the attachment, with a view to prevent the officers of government from receiving the just revenue, by the countenance of it. In such cases the tehsildar is to act according to the established rules and usages of the pergunnah, as he is entitled to do in cases where no engagement exists between the defaulter and his under-tenants. It is further to be declared that after the promulgation of this regulation, no suspension of the rent will be admitted in cases of attachment. The landholders and farmers are prohibited from demanding or receiving, and the ryots and other under-tenants are prohibited from paying, any part of the rents receivable by the former and payable by the latter, before the stipulated or usual period of payment according to the kistbundy or other engagements, or established local usages; and no person hereafter making anticipated payments, against this prohibition, or producing receipts for such, whether collusive or otherwise, shall be entitled to credit for the amount from the officers of government who may attach the lands or farm, or from the landholder or farmer making the attachment, if it be made for arrears due from an under-tenant, under the provisions contained in this regulation. Nor shall credit be allowed for any payment made to a defaulter, after proclamation of the attachment of his estate or farm, until further proclamation be made

Section XV, Regulation VI, 1795, still in force.

Exception to prevent collusion.

Further prohibition against anticipation of the rents.

that

that such attachment has been withdrawn, unless it can be clearly shewn that such proclamation, which is to be made as public as possible throughout the attached lands immediately on the attachment taking place, was notwithstanding unknown to the party making payment to the defaulter at the time when such payment may have been made. Provided however, that nothing herein contained shall be understood to exonerate the defaulter from crediting his under-tenants, or otherwise accounting for, all sums received by him, whether in anticipation of the rents, or subsequently to the attachment of his estate or farm, the above restrictions having reference to the attachment only.

Accounts to be furnished by proprietors in cases of attachment.

XXV. In all cases of attachment, the village putwarries required to be appointed by Section IX, Regulation XXVII, 1795, will of course be bound to furnish the collector and tehseeldar, or other officer deputed by him, with the accounts directed to be kept by them; and the collector is hereby required to take immediate measures for ascertaining whether the putwarries have been universally appointed throughout the province, as enjoined in the above section; as well as to cause their immediate appointment where they may be found wanting, by requiring immediate compliance from the landholders with the regulation in question, under the penalty prescribed in Clause Ninth, of the section above-mentioned, which, if necessary, is to be enforced in the mode therein provided. It is at the same time hereby explained, that it was not meant by the above regulation to require the proprietors of small estates, who may superintend their own lands and be unable to afford the expense of a putwarry, to appoint officers of this description, but in such cases the proprietors themselves are, when required, to furnish the accounts and information specified in the above-mentioned section, in like manner as the putwarries are required to furnish the same, and under the same provisions. Defaulting proprietors and farmers of land, whose estates or farms may be attached under this regulation, are also required to furnish the collector with any accounts that may be required from them, relative

Collector to cause general appointment of putwarries according to Regulation XXVII, 1795.

Exemption with respect to small estates managed by the proprietors.

Proprietors and farmers of attached lands to furnish collectors with any accounts required from them, in their possession.

tive to the jummah, collections, and outstanding balances of the current year, or of preceding years, which may be in their possession, as well as to cause their agents of every description, who may have been employed in the collections of the current year, to attend the collector, tehseeldar, or other officer appointed by him. Any proprietor or farmer, who, on receiving a written requisition from the collector, under his official seal and signature to the above effect, shall refuse or neglect to comply therewith, shall be liable to such fine as the board of revenue, with the sanction of the Governor General in Council, may think proper to impose upon him on the collector's report of the circumstances of the case; and the Governor General in Council reserves to himself the power of ordering the imprisonment of any landholder or other person, who may persist in refusing to deliver up the accounts required from him in any particular instance.

And to cause their agents to attend the collector or officers appointed by him.

Penalty for non-compliance with this rule.

XXVI. If any arrear remain due from a proprietor or farmer of land at the close of the Fussily year, the collector is immediately to report the amount to the board of revenue, with a statement of the cause of failure as required by Section XVII, Regulation VI, 1795, and his sentiments on the measures proper to be adopted under the provisions contained in Sections XVII, and XVIII, of the above regulation. In consideration of the state of landed property and other local circumstances in the province of Benares, although the engagements executed by the landholders declare their property, real and personal, liable to sale for arrears of revenue, the actual sale of their lands has not been enforced, except in cases of necessity or gross misappropriation of the funds from which their revenue is payable; but a general discretion is reserved to the Governor General in Council, to order a sale of land for the recovery of arrears of revenue; and whenever such sales may take place, they are to be made under the several provisions contained in Section XXIX, Regulation VII, 1799, in addition to the rules already in force within the province of Benares

Arrears at the close of the year, to be reported to the board of revenue, with propositions for their recovery in conformity to Section XVII, Regulation VI, 1795.

Under what rules sales of land when ordered by the Governor General in Council are to take place.

Section XXIX, Regulation VII, 1799; and Regulation V, 1796, extended to Benares.

nares, viz. Sections XXXII, XXXIII, [illegible] VI, 1795, and Regulation XII, 1796, as [illegible] hereby extended to the above provinc[illegible]

Section XXX, Regulation VII, 1795, also extended to Benares.

XXVII. Section XXX, Regulat[illegible] board of revenue are appointed to [illegible] and to fix the necessary establishments of native officers during the attachment of lands for sale, is also hereby extended to Benares, together with Section XV, Regulation III, 1793, therein referred to, and the following sections of that regulation, requiring the collectors to take security for the appearance of all native officers entrusted with the receipt or payment of public money, [illegible] charge of public accounts, and directing how they are to proceed for the recovery of the public money or accounts in the possession of such officers.

and Sections XV, XVI, XVII, XVIII, XIX, XX, and XXI, Regulation III, 1793.

Collector of Benares may propose regulations under board of revenue.

XXVIII. The collector of Benares is authorized to propose to the board of revenue in the prescribed form any regulation [illegible] his cogni[illegible]

# A. D. 1800. REGULATION VI.

A REGULATION *for defining the tax to be levied on the sale of intoxicating drugs and toddy; and for amending the existing rules relative to the licensed sale of these articles, as well as the sale of spirituous liquors generally, so as to render the tax more conducive to the purposes of police.*—PASSED *by the Governor General in Council, on the 27th March 1800; corresponding with the 16th Cheyte 1206 Bengal era; the 16th Cheyte 1207 Fussily; the 16th Cheyte 1207 Willaity; the 16th Cheyte 1857 Sumbut; and the 1st Zekaad 1214 Hgeree.*

BY Section XVIII. Regulation XXXIV. 1793. it was enacted, that bang, ganja, cherrus, and other intoxicating drugs should be subject to a tax, to be fixed annually by the board of revenue, with the sanction of the Governor General in Council; and that no persons should manufacture or vend any such drugs without a license for the purpose from the collector of the zillah. Penalties for the illicit manufacture

or

ed sale of intoxicating drugs were also enacted by Section XX, of the above regulation, and by the provisions in Regulation LI, 1793, and Regulation I, 1794, which with certain modifications, were extended to the province of Benares by Regulation XLVII, 1795. It was further enacted by Section II, Regulation X, 1797, that all licenses for the manufacture or vend of spirituous liquors or intoxicating drugs, granted in the four provinces, should be written on stampt paper, and that the persons taking out such licenses, should pay a stamp duty thereon in addition to the established tax on the articles which they might be thereby authorized to manufacture or vend; but the rates of stamp duty specified in the above regulation being applicable to spirituous liquors only, a doubt has arisen what stamp duty should be levied upon licenses for the sale of drugs. To remove this doubt, as well as to fix the rates of tax to be hereafter levied on the sale of intoxicating drugs and toddy, and to amend the existing provisions relative to the licensed sale of these articles, as well as of spirituous liquors generally, the tax on which has not been found to operate as a sufficient check on the immoderate use of them, the Governor General in Council has enacted the following rules, to be in force throughout the provinces of Bengal, Behar, Orissa, and Benares from the period of their promulgation therein respectively.

Sale of intoxicating drugs to be confined to principal cities, &c.

II. The sale of intoxicating drugs in the several zillahs shall be confined to the principal cities, and to certain towns and villages, to be determined by the board of revenue, on the information which may be received by them from the collectors; and these officers are accordingly required to furnish the board with the necessary information for this purpose, after taking the opinion of the magistrate as to the places of vend, and the number of shops to be established at each place. The towns and villages shall be divided into three classes according to their size and population, and the tax upon licenses for the sale of intoxicating drugs within such towns or villages, as well as within the principal cities of Dacca, Moorshedabad, Patna, and Benares, shall be levied according to the following rates:

Towns and villages to be divided into classes, and to pay duty accordingly.

In

| | |
|---|---|
| In each of the cities above mentioned, - | 1 rupee per diem. |
| In towns or villages of the 1ſt claſs, - - | 12 annas do. |
| In ditto of the 2d claſs, - - | 8 ditto do. |
| In ditto of the 3d claſs, - - | 4 ditto do. |

Power of altering the rates of tax referred to the Governor General in Council.

III. The Governor General in Council reſerves to himſelf the power of encreaſing or reducing the rates of tax ſpecified in the above ſection; and if in any city, town or village, the collectors from local circumſtances may deem it adviſable to increaſe or reduce the tax ſpecified, they are to ſtate the circumſtances with their reaſons at large to the board of revenue, who will ſubmit the propoſition of the collectors, with their ſentiments thereon, for the determination of the Governor General in Council. But in all caſes in which an increaſe of the above rates may be ſanctioned, the collector ſhall tranſmit an atteſted ſtatement of the new rates, to the judge of the dewanny adawlut, within the juriſdiction of which they may be leviable; and until ſuch ſtatement ſhall have been furniſhed, the levying of the new rates is to be held unauthorized. The judge is to fix up a copy of the ſtatement in his cutcherry for general information.

Form of license for drugs.

IV. The foregoing tax on licenſes for the ſale of intoxicating drugs ſhall be paid monthly; and the licenſe ſhall, as nearly as circumſtances may admit, be drawn out according to the following form:

Whereas by the authority of the Governor General in Council, I A. B. collector of the zillah of authorize C. D. to keep a ſhop for the ſale of drugs in the city (town or village) of in for one year from the date hereof; it is required of him, as a condition of this licenſe remaining in force, that he duly and faithfully perform and abide by the following articles:

1ſt. That he pay to government a monthly tax of ſicca rupees to be paid at on the laſt day of each month of the Bengal (or Fuſſily) year.

2dly,

*2dly.* That he confine his sale of drugs to the shop for which his license is granted; and on no account sell any drugs without the limits of the above city (town or village); or establish a second shop within such limits without taking out another license for the same.

*3dly.* That he prevent to the utmost of his power, all drunkenness, gaming, and disorder within his shop.

*4thly.* That he do not harbour thieves or riotous persons; but on the contrary give information to the nearest magistrate or police officer of any suspected persons who may resort to his shop.

*5thly.* That he do not receive any goods or wearing apparel or other property in barter for drugs.

*6thly.* That he do not open his shop before sun-rise nor keep it open after sun-set, and that he do not harbour any persons in it during the night.

*7thly.* That he will have constantly fixed up on the outer door of his shop, a sign or board, bearing an inscription to the following effect in the current language of the country:

"LICENSED VENDER OF DRUGS."

Upon any breach of the above conditions, this license shall be considered forfeited. All officers of government are hereby prohibited from imposing or exacting any tax or cess under any pretence whatever on the said C. D. on account of the said shop during the aforesaid period, beyond the tax required to be levied by the regulations, and they are also prohibited from molesting or interrupting him in the prosecution of his profession, while he conforms to the above special provisions, and to all other regulations that relate to him.

Given under my hand and seal, this day of

Persons receiving licenses to execute counterpart engagement.

V. Persons receiving licenses according to the preceding section, are to execute a counterpart engagement of similar tenor and form; but the collectors are empowered to introduce any additions or variations which may be necessary from local circumstances, or which may be directed by the magistrates with a view to the better regulation of the police, provided, that such

such additions or variations shall be consistent w the general substance of the license, as prescribed in the foregoing section. The license above prescribed has reference to gunja-wallas, bungarehs, or other venders of ganja, bang, and other intoxicating drugs in shops kept for this purpose exclusively; but as the same form may not be applicable to pussaries, bunneas, or others, who sell different articles, as well as drugs, the collectors are to make such variations in the license to be granted to the latter as may appear necessary.

Licenses to be written on stampt papers.

VI. The licenses to be issued as above directed shall be written on stampt paper of the same size and dimensions as the paper which may have been determined on by the board of revenue, with the sanction of the Governor General in Council, under Section II, Regulation X, 1797, and shall bear an inscription of "Intoxicating drugs" in the Persian and Bengal languages, and the Hindoostance language and Nagree character. Such licenses are to be applied for, and issued under the provisions contained in Sections IV, and V, Regulation X, 1797, and the persons receiving them are to pay the following stamp duty thereon:

How to be applied for, and what stamp duty to be paid thereon.

| | |
|---|---|
| In the cities of Dacca, Moorshedabad, Patna, and Benares, | Rupees 16 |
| In towns or villages of the first class, | 6 |
| In ditto of second ditto, | 4 |
| In ditto of third ditto, | 2 |

What drugs are particularly intended to be taxed.

VII. The provisions contained in this regulation, as well as in the regulations referred to in the preamble, are intended to extend generally to all intoxicating drugs (with the exceptions hereafter noticed), but particularly to the following, under whatever denomination they may be known in different parts of the country:

GANJA,
BANG or SUBZEE,
MAJOOM,
BAUKER.

Manufacture and vend of cherrus and muddut prohibited, and declared punishable as a criminal offence.

VIII. The following articles, viz. cherrus, and muddut (or koppah), being of a most noxious quality, and the use of them being always highly prejudicial and dangerous to health, the collectors are prohibited from granting licenses for the manufacture or sale of them, which is hereby declared to be unlawful, and punishable as a criminal offence; and any person who shall be convicted before a zillah or city magistrate, of the manufacture or vend of them in contempt of this prohibition, shall be liable to be committed for trial before the court of circuit, or to be punished by the magistrate under Section VIII, Regulation IX, 1793, as may appear to him proper on due consideration of the circumstances of the case.

Amended form of license prescribed for spirituous liquors, including toddy or tarry.

IX. The following amended form of license, after the expiration of the licenses now in force, for the manufacture and vend of spirituous liquors (including toddy or tarry in its fermented state), is to be adopted in lieu of that prescribed by Section X, Regulation XXXIV, 1793, but should any additions or variations appear necessary to the collectors from local circumstances, they are empowered to introduce them, (provided that such additions or variations shall be consistent with the general substance of the license according to the form prescribed) and they are also required to conform to any directions which they may receive from the magistrate for modifying the terms of the license for any particular purpose of police.

Form of license.

"Whereas by the authority of the Governor General in Council, I A. B. collector of the zillah of . . . authorize C. D. to keep a still for the manufacture of spirituous liquors in . . . for one year from the date hereof; it is required of him as a condition of this license remaining in force, that he duly and faithfully perform and abide by the conditions thereof contained in the following articles:

1. That for every still he pay to government a daily tax of .
2. That such still be clearly understood to mean one vessel only, and

and that if he use more than one vessel, each additional vessel shall be considered as a seperate still, and shall pay the tax accordingly.

3. That no single vessel or still worked by him be of a size capable of containing more than fifty seers of water, each seer weighing  sicca rupees.

4. That he confine the vend of the produce of his still to one shop in or near the city (town or village of  ) the particular situation of which will be prescribed to him.

5. That he prevent to the utmost of his power all drunkenness, gaming, and disorder within his shop, and that he be careful not to sell a quantity of liquor to any person, which may endanger his intoxication.

6. That he will not allow any quantity of liquor exceeding one seer (or quart) to be removed from his shop under any pretence whatever.

7. That he will not harbour robbers, thieves, or riotous persons, but on the contrary give information to the nearest magistrate or police officer of any suspected persons who may resort to his shop.

8. That he will not receive any goods, or wearing apparel, or property, in barter for liquor.

9. That he will not open his shop before sun-rise nor keep it open after sun-set, and that he will not harbour any persons in it during the night.

10. That he will have constantly fixed up on the outer door of his shop a sign or board, bearing an inscription in the current language of the country to the following effect:—

"LICENSED VENDER OF SPIRITS."

Upon any breach of the above conditions, this licence shall be held to be forfeited. All officers of government are hereby prohibited from imposing or exacting any tax or cess under any pretence whatever on the said C. D. on account of the said still during the aforesaid period, beyond the tax required to be levied from him by the regulations; and they are also prohibited from molesting or interrupting him in the prosecution of his profession,

while

while he conforms to the above special provisions, and to all other regulations that relate to him.

Given under my hand and seal, this day of ."

Persons receiving such licenses to execute a counterpart engagement.

X. Persons receiving licenses according to the preceding section, are to execute a counterpart engagement of similar tenor and form; but the collectors are empowered to vary the terms of it in the same manner as they are authorized to vary the terms of the license under that section.

This regulation extended to toddy sold in a fermented state, rate of duty excepted.

XI. The several provisions contained in this and former regulations respecting the sale of spirituous liquors, are hereby declared applicable, with an exception to the rate of duty, to toddy or tarry, viz. the juice of the taur, kujoor, and nareeal trees, whenever the same may be sold in a fermented state; or, though not in a state of fermentation, by any other persons than the pausees or extracters of the toddy, who pay the tax of twenty-five per cent on the rents of the tarry trees, prescribed by Sections XII, and XIII, Regulation XXXIV. 1793; which are still to be considered in full force. Any persons procuring tarry from the pausees and retailing it in shops or other places of vend, whether in a fermented state or otherwise, and all persons, whether pausees or others, who may be desirous of selling tarry in a state of fermentation, are to take out licenses for the purpose, in like manner as is directed for the sale of spirituous liquors. The licenses to be granted to them are to be written on stampt paper, and to bear an inscription in the Persian and Bengal languages, and the Hindoostanee language and Nagree character, of "Tarry licenses;" and in other respects are to be drawn out agreeably to Section IX of this regulation, (as far as the form prescribed therein may be applicable) and the parties receiving them are to pay the following tax and stamp duty thereon. Provided however, that, if by reason of the greater or less produce of tarry at different seasons of the year, it should be found necessary to vary the rate of tax according to the season, the

the following shall be considered the medium rates; and the license and counterpart engagement, shall specify the several rates of tax to be paid for each month throughout the year.

Rates of tax and stamp duty for toddy.

| | | | |
|---|---|---|---|
| In the cities of Patna, Dacca, Moorshedabad and Benares. For each shop, per diem | | | 1 rupee |
| In towns of the 1st class, | ditto, | | 12 annas. |
| In ditto of the 2d ditto, | ditto, | | 8 ditto. |
| In villages of the 3d ditto, | ditto, | | 4 ditto. |

STAMP DUTY.

| | | | |
|---|---|---|---|
| On shops paying 1 rupee per diem | | | 10 rupees. |
| Ditto | 12 annas ditto | | 6 ditto. |
| Ditto | 8 ditto | | 4 ditto. |
| Ditto | 4 ditto | | 2 ditto. |

XII. The "tarry licenses" are to be written on paper of the same size and dimensions as that which may have been determined on by the board of revenue, with the sanction of the Governor General in Council, under Section II, Regulation X, 1797. The superintendent of stamps is to prepare as soon as possible the necessary stamps for these licenses, (as well as for "intoxicating drugs,") and they are to be applied for and issued under the provisions contained in Sections IV, and V, of that regulation.

Tarry licenses to be written on stamp paper, and to be applied for and issued under Regulation X, 1797.

XIII. All licenses granted under this regulation shall be issued for one year only; or if not applied for at the commencement of the Bengal or Fussily year (as one or other may be current in the zillah), for the remaining part only of the current Bengal or Fussily year, so that all licenses may determine at the end of such year; and any person who may be detected in manufacturing or selling spirituous liquors or drugs, after the expiration of the period for which his license may have been granted, without having obtained a new license for that purpose, shall, for such unlicensed manufacture or sale, be subject to the prescribed penalties, in like manner as if he had not taken out any license whatever. The same penalties will also be incurred, besides a forfeiture of the license,

All licenses to expire at the end of the year, whether issued at the commencement or otherwise.

Penalty for unlicensed sale.

by

by the manufacture or sale of spirituous liquors or drugs within the term of a license, at any other place, or in any other shop, than the place and shop to which the vender is restricted by such license.

Collectors may accept security for payment of the tax for one month.

XIV. Should any person receiving a license for the manufacture and sale of spirituous liquors, be able to give responsible security for the punctual payment of the tax, at the end of every ten or fifteen days, or such other period as the collector may deem it advisable to fix, not exceeding the term of one month, such security shall be accepted, and the tax be collected accordingly: but in default of such security, the collector is to levy the daily tax as it may become due, and in the event of any failure in the payment of it, the officer employed to make the collections shall be considered authorized to declare the license forfeited, and to stop the further manufacture and sale, until a new license for the purpose shall be obtained.

Tax to be levied daily in default of such security.

and On failure of payment, the officer employed in collecting it, may declare the license forfeited, and stop the further manufacture and sale.

Same process prescribed in all cases of licensed persons who may have given security, on failure in their payments.

XV. The officers employed in the collection of the tax on spirituous liquors, are also hereby empowered to declare the forfeiture of the license, and to stop the manufacture and vend, in all cases where persons, who may have given security under the preceding section, shall fail in the payment of the tax at the stipulated period; and in the event of any coercive process being necessary for the recovery of arrears from such persons, the collectors and the officers employed under them in the collection of the tax on spirituous liquors, are authorized to proceed against the defaulter and his surety, in the same manner as the collectors, tehseeldars, and other revenue officers are authorized to proceed against defaulting farmers and their sureties, under the provisions contained in Regulations VII, 1799, and V, 1800, as far as the same are applicable, viz. by causing their arrest in the first instance, and their confinement in the jail of the dewanny adawlut of the zillah or city, if the arrear due be not liquidated within ten days, as well as by the public sale of any property they may be found to possess, should such sale be eventually necessary for the recovery of the arrear.

Collectors and their officers to be guided by the regulations for proceeding against defaulting farmers and their sureties, when coercive process may be necessary for recovery of arrears from licensed vendors and their sureties.

XVI. Any person wishing to relinquish his license during the period for which it may have been granted, shall be at liberty to do so, on payment of the tax due from him, to the date of such relinquishment, according to the rates specified in his license.

Persons may relinquish their licenses, and how.

XVII. All licenses granted by the collectors for the manufacture and sale of spirituous liquors; or for the sale of tarry, or drugs, shall be issued in numerical order, and a regular register shall be kept of them, exhibiting their number, and the date of their issue, the name of the city, town or village, in which the licensed stills and shops are kept, the names of the persons to whom the licenses are granted, the rates of such licenses, and the annual amount receivable for them, or the amount receivable for the remainder of the year in which they may have been granted, together with a column of reference to the books of record in the native languages, in which the licenses and cabooleats (or counterpart agreements), are entered at length. At the end of each Bengal and Fussily year (as one or other may be current in the district), the collector is to transmit to the board of revenue a copy and abstract of the above register, with a statement shewing the amount received within the past year, and an explanation of any difference between the receipts and the amount payable according to the register. The collector is also to furnish the magistrate of the zillah or city with a list of all licenses granted within his jurisdiction at the commencement of the year, as well as of all licenses subsequently granted in the course of the year, and all other information which the magistrate may require, to enable him and his officers to pay proper attention to the conduct of the venders, and to prevent any breach of those parts of their engagements, which are intended to provide for the better regulation of the police.

Register of licenses how to be kept.

Copy to be furnished the board of revenue.

Magistrate to be furnished with a list of licenses.

XVIII. The provisions contained in Regulation LI, 1793, Regulation I, 1794, and Sections VIII, IX, and X, Regulation XLVII, 1795, for the punishment of the illicit manufacture or

Rules for punishing illicit manufacturers and venders declared in force, with an extend-

sale

tion of the penalty.

sale of spirituous liquors and intoxicating drugs, and for giving to informers a moiety of the penalties levied from persons convicted of manufacturing or selling such articles without a license, are hereby declared to be in full force under the present regulation; except that the penalty to be adjudged on conviction before the judge of the dewanny adawlut, instead of being three times the amount of the daily assessment at the nearest authorized place of vend, for each day of the period during which the illicit manufacture or sale may be proved to have been carried on, shall be three times the amount of the monthly tax which would have been payable under the present regulation if a license had been taken out by the illicit vender, for each month of the period, in which the illicit manufacture or sale, may be proved to have been carried on.

For checking the immoderate use of spirituous liquors, &c.

XIX. With a view to check the immoderate use of spirituous liquors (including toddy or tarry in its fermented state) by enhancing the price to the consumer, as well as to give the magistrates a more immediate and efficient controul over the conduct of the venders, and to render the tax as much as possible conducive to the general purposes of police, the following further provisions are prescribed in addition to the rules at present in force.

Board of revenue to introduce the highest rates of duty.

XX. It shall be the duty of the board of revenue in fixing the daily tax on stills to introduce the highest rates of tax of those specified in Section II, Regulation X, 1797, which can be levied, without giving rise to the clandestine manufacture and vend of the articles liable to the tax, and without its operating as a virtual prohibition of the use of them. That the board may proceed with the fullest information on the subject, the collectors are required to consult the magistrates on the rates which should be fixed within their respective jurisdictions, and to transmit the opinion of the magistrates with their own reports to the board of revenue, accompanied by a comparative statement of the proposed rates, and those at which the existing licenses have been granted. On

receipt

receipt of ſuch reports, the board of revenue are to fix the rates of tax at which licenſes are to be granted for the enſuing year, according to the principles above preſcribed, and are to require ſimilar reports, and to proceed in the ſame manner, annually, that the tax may be progreſſively augmented, under the proviſions contained in Section IV, Regulation VII, 1797, ſo as to render it an effectual check on the immoderate uſe of ſpirits throughout the country.

Mode to be adopted in determining the rates.

XXI. The number of licenſes for the manufacture and vend of ſpirituous liquors at preſent in force being deemed exceſſive, it ſhall be the duty of the board of revenue, to reduce the number on the expiration of the preſent licenſes, and to limit it hereafter as much as poſſible, that the ſupply of this article being confined to a ſmall number of individuals, a better aſſurance may be obtained that it will generally fall into the hands of reſponſible perſons.

Board of revenue to reduce the number of licenſes.

XXII. For this purpoſe alſo it ſhall be the duty of the collector in granting licenſes to ſelect in the firſt inſtance the moſt creditable among the venders, and he ſhall require from them ſecurity (ſial zaminy) for their good conduct, and a ſtrict adherence to the terms of the licenſe in a ſum at leaſt equal to the tax payable by them for one month. The ſurety in all practicable caſes is to be ſome reputable perſon, not being a vender of ſpirits, and muſt at all events be reſponſible to the amount of his engagement; and the collector is as far as poſſible, to prevent the venders from becoming ſecurity for each other.

Collectors to ſelect the moſt reſponſible perſons, and to require ſecurity from them.

XXIII. To determine the number of licenſes to be iſſued in the enſuing, as well as in every ſubſequent year (Bengal or Fuſſily, according as one or other may be current in the diſtrict), the collector is required to apply to the magiſtrate of the zillah or city, for his opinion on the ſubject, and on receiving his opinion, the collector is to ſubmit it with his report to the board of revenue. The board of revenue are authorized generally to fix on the number of licenſes to be iſſued in each city or zillah, but are not to

Mode of determining the number of licenſes to be iſſued.

exceed

exceed any limitation which the magistrate may consider necessary for the attainment of any object of police. The magistrate shall also be at liberty within the year to order (by a precept directed to the collector) any license to be immediately withdrawn on proof of misconduct by the party holding such license, or of a breach of any of the conditions of his engagement.

Magistrate may order a license to be withdrawn.

XXIV. The places of manufacture and vend shall be determined in the same manner as is prescribed in the preceding section for fixing the number of licenses, and the magistrate shall at all times be at liberty to alter the places which may have been originally determined on, should he deem such alteration necessary, either for the purpose of placing the venders more immediately under the inspection and controul of the officers of police, or otherwise.

Mode of determining the places of manufacture and vend.

XXV. The working of stills for the manufacture of spirituous liquors within the cities, principal towns, and other populous places, being considered a public nuisance, such stills occasioning a great degree of filth, and an accumulation of putrid substances, highly prejudicial to the health of the inhabitants, no license shall be granted for working a still in any of the four cities of Moorshedabad, Patna, Dacca and Benares, or in any of the principal towns, or other populous places; and the magistrates are hereby required to prevent any still from being worked in such cities, towns, or places. Whenever it may be necessary to remove any still under this general provision, the collector is required, in concert with the magistrate, to fix on a proper situation for establishing the still, without the limits of the city or town, and at such a distance as to prevent the inhabitants from experiencing any inconvenience from it. The licenses granted in such cases shall require the manufacturer to work his still at the place so determined upon, with permission to have a shop for selling the produce of it within the city or town.

No stills to be established within a city or principal town.

One license to be granted for the manufacture and vend of spirituous liquors (toddy excepted), and only one shop to be allowed for each still.

XXVI. No person shall be allowed to open a shop for the sale of spirituous liquor (toddy or tarry excepted) who shall not have taken out a license for the manufacture, the object of this provision being to prevent any separate license for the retail sale, and to confine the sale entirely to the manufacturer. It is also further provided, that one shop only for the retail sale, shall be allowed for each still, each license being considered to authorize the establishment of one still only, as particularly expressed therein, with one shop for the retail sale of the produce thereof.

For preventing the establishment of unlicensed stills.

XXVII. It shall be the particular care of the magistrate as well as of the collector, to prevent any unlicensed stills from being established, and to destroy any such stills when discovered, as well as to suppress all unlicensed shops, and to proceed against all persons manufacturing or selling spirituous liquors or intoxicating drugs without a license, for the purpose of enforcing the penalties prescribed by the regulations for such illegal practices. The magistrates shall also require their police officers to apprehend all persons so offending, whether they may receive an application for this purpose from the collector, or the officers appointed to collect the tax or otherwise; and any person so apprehended shall be proceeded against in the manner directed in Section VI, Regulation I, 1794. The authority granted to the collectors and to their officers to apprehend unlicensed dealers in the first instance under Sections IV, and V, of that regulation, shall at the same time be considered in full force.

Police officers to report misdemeanors of licensed vendors.

XXVIII. The magistrates shall also require their police officers at all times to exercise a vigilant attention over the conduct of the licensed venders of spirits, and to report every instance which may come to their knowledge of any deviation from the regulations prescribed fo[illegible] of the said licensed venders, or of any breach of th[illegible] gagement, that for all such misdemeano[illegible] ed against and punished in the manner whic[illegible]

XXIX.

Further punishment for a breach of the conditions of the license or other misconduct.

XXIX. It is further provided, that any person holding a license, who shall be guilty of a breach of the conditions thereof, or of any other act of misconduct (such act not being of a nature to warrant his commitment for trial before the court of circuit) shall be liable, on proof of the offence before the magistrate, in addition to the forfeiture of his license, to be confined in the fouzdarry jail and kept to hard labour for a period not exceeding six months, or to be confined in the dewanny jail, according to the nature and circumstances of the offence.

Licensed venders to be committed for trial before the court of circuit for serious offences.

XXX. But in all cases in which it shall appear that a person holding a license has been guilty of a more serious offence, such as the crime of harbouring thieves and robbers, of connecting himself with them, of receiving stolen goods, or any other crime, for which a specific punishment is prescribed by the law, it shall be the duty of the magistrate to commit the offender to take his trial before the court of circuit, and otherwise to proceed against him in the manner provided by the regulations.

Further punishment for the illicit manufacture or vend of spirituous liquors.

XXXI. In addition to the penalties for the unlicensed sale or manufacture of spirituous liquors prescribed by Section XVIII, of this regulation, and the former rules therein referred to, it is hereby further provided, that any person convicted of the illicit manufacture or vend of these articles, shall be liable to be committed to the jail of the criminal court, and to be kept to hard labour for any period not exceeding six months.

This regulation not applicable to the town of Calcutta.

XXXII. Nothing in this regulation nor in any former regulation regarding the sale of spirituous liquors or intoxicating drugs, is to be considered applicable to the town of Calcutta. As moreover for the reasons stated in Section XXV, of this regulation, it may be deemed highly objectionable to allow any stills to be worked within the town, it is hereby further declared, that His Majesty's Justices of the Peace for the town of Calcutta, or other persons empowered to grant licenses for regulating the sale of spi-

rituous

rituous liquors and intoxicating drugs in that town, shall be considered fully authorized to remove all stills to a proper distance from it, and to issue licenses for their establishment, and for the manufacture of spirituous liquors for the supply of the town, under such regulations with respect to the rate of duty, and at such particular places in the neighbourhood of the town, as they may judge expedient; and such licenses are to be considered by the collector of the district in which the stills may be established as exempting the holders of them from any further tax or duty under this or any other regulation. Provided however, that no such licenses shall be considered to authorize any sale of spirituous liquors at the place where the stills may be established; or at any other place without the limits of the town of Calcutta.

Stills for supplying Calcutta, where to be established;

and

how to be used.

XXXIII. The distilleries of rum, arrack, and other spirits conducted by Europeans, or the descendants of Europeans, the produce of which is intended for exportation and not for retail sale in the country, are also declared to be exempt from the tax ordered to be levied on the manufacture and retail sale of spirits by this and former regulations; but the proprietors of such distilleries are required in every instance to take out a license for the manufacture from the board of revenue, as well for the distilleries already established as for those which they may be desirous of establishing hereafter. The board of revenue are to prepare a proper form of license for the sanction of the Governor General in Council, containing such stipulations as may appear to them necessary for preventing any abuse of the exemption from duty; and providing a pecuniary penalty for the breach of any of the conditions prescribed therein. A counterpart of the license is to be executed by the party receiving it, and any rum, arrack, or other spirits manufactured without such license, is hereby declared liable to confiscation to government. The board of revenue are at the same time prohibited from granting any license under this section for the establishment of a distillery to any European, who shall not first produce a license from the Governor General in

European distilleries of rum, &c. spirits for exportation, exempted from duty.

Board of revenue to prepare a form of license for them.

Penalty for manufacturing without a license.

Council

Council to remain in the country, as well as a written permission to reside in the particular district in which he is desirous of establishing the distillery.

Sections XVI, & XVII, Regulation XXXIV, 1793, still in force.

In what manner shops may be established in military cantonments.

XXXIV. Sections XVI, and XVII, Regulation XXXIV, 1793, are to be considered still in force, and to extend to all military cantonments for European troops within the provinces; but should the commanding officer of any military cantonment be desirous at any time of having a shop or shops for the sale of spirits, established within the limits of his cantonment, either with a view to prevent the soldiers from straying into the country in search of liquor, or to enable him to place the sale under proper regulations and restrictions, the collector of the district, on receiving an application for this purpose, is authorized and required to grant a special license for the establishment of a shop or shops as above-mentioned, and the party receiving it, if the manufacturer of the spirit, shall be liable to the payment of the daily tax for the still or stills employed by him, as well as of the stamp duty on the license, in the same manner as he would have been liable to the payment of it, had he taken out a license for the manufacture and sale of spirituous liquors in any other situation. Should the commanding officer judge it advisable to grant separate licenses for the manufacture and sale, the collector is authorized to grant a special license for the manufacture only, and a separate license for the retail sale, subject to the payment of such daily or monthly duty, as, on consulting with the commanding officer, he may judge it expedient to impose. The collection of this duty, is not to be considered as authorizing any interference with the authority of the commanding officer over the party receiving the license as a camp follower, and the commanding officer is to continue to take such measures for the internal regulation of the cantonment, and for restricting the sale of spirits to proper limits, as he may think necessary and proper, it being at the option of the person holding a license to relinquish it on paying the tax due at the time, should he deem it advisable in consequence of such restrictions.

XXXV.

Collectors allowed a commission on the abkarry collections.

XXXV. As a compensation to the collectors for the additional duties prescribed to them by this and other regulations relating to the abkarry collections, and as an encouragement to the diligent and active discharge of this trust, it is hereby provided, that from the ensuing year 1800-1, commencing on the first May next, a commission of five per cent on the first 50,000 rupees realized by them after deducting charges, and of two and a half per cent on the remainder of their net collections on account the abkarry or tax on spirituous liquors and intoxicating drugs, shall be allowed to the collectors at the end of each year of account, the amount to be drawn for by the collector as soon as the annual accounts of the collections shall have been submitted to the Governor General in Council, and have received his sanction. Should any collector be removed from his office during the year, he shall be entitled to receive his proportion of commission on the net collections realized by him to the date of his removal, the amount of which is to be paid to him at the end of the year as above directed.

BENGAL SECRETARIAT LIBRARY

# A. D. 1800. REGULATION VII.

A REGULATION *to explain and amend certain parts of the existing rules for levying a stamp duty upon obligations for money, law papers, and other documents.*

PASSED *by the Governor General in Council, on the 3d April* 1800; *corresponding with the 23d Cheyte* 1206 *Bengal era; the 23d Cheyte* 1207 *Fussly; the 23d Cheyte* 1207 *Willaity; the 23d Cheyte* 1857 *Sumbut; and the 8th Zekaad* 1214 *Higeree.*

THE rules for levying a stamp duty upon obligations for the payment of money, and upon law papers, and other documents, contained in Regulations VI, and X, 1797, having been found in some instances to require explanation and amendments; and the amount of the stamp duties received under the above regulations, having proved very inadequate to supply the deficiency of the public revenue, occasioned by the abolition of the police tax, for which purpose the stamp duties specified in Regulation VI, 1797, were partly established, as stated in the preamble to that regulation; the Governor General in Council, with a view to make further provision for such deficiency, and to explain and

amend

amend certain parts of the regulations abovementioned, has enacted the following rules, to be in force throughout the provinces of Bengal, Behar, Orissa, and Benares, from the dates therein specified.

Sections XVI, XXI, Regulation VI, 1797, to remain in force, till 30th September 1800.

II. Sections XVI, and XXI, Regulation VI, 1797, shall remain in force till the 30th day of September, A. C. 1800; corresponding with the 16th Assin of the Bengal year 1207, and Willaity year 1208; the 27th Assin of the Fussily year 1208, and Sumbut era 1857; or the 10th Jemad-ul-Awul 1215 Higeree; after which date the following provisions shall be in force, instead of the sections abovementioned.

After the date specified in the foregoing section, original obligations for the payment of any sum exceeding 3a. Rs. 16, to be written on stampt paper.

III. *First*. All original obligations for the payment of money, whether bonds, promissory notes, drafts, bills of exchange, or of any other denomination whatever, which may be executed, or drawn within the provinces of Bengal, Behar, Benares, or the Company's territory in Orissa, after the date specified in Section II, of this regulation, for the payment of a sum of money exceeding sixteen sicca rupees, exclusive of interest, (excepting obligations which may be executed or drawn on the part of government, or for money payable to government, and also excepting obligations for the rent of land paying revenue to government) shall be written on stampt paper, subject to the following rates of duty, to be specified in the respective stamps:

Exceptions.

Rates of stamp duties.

1. If the obligation be for a sum exceeding sixteen rupees, and not above sixty-four, - - "two annas."
2. If exceeding sixty-four rupees, and not above one hundred and twenty-five, - - "four annas."
3. If exceeding one hundred and twenty-five rupees, and not above two hundred and fifty, - "eight annas."
4. If exceeding two hundred and fifty rupees, and not above five hundred, - - - "one rupee."
5. If exceeding five hundred rupees, and not above one thousand, - - - - "two rupees."

6.

6. If exceeding one thousand, and not above two thousand rupees, - - - "four rupees."
7. If exceeding two thousand rupees, - "eight rupees."

*Second.* The stamps for the several obligations, above specified, shall have an inscription in the Persian and Bengal languages and characters, and in the Hindoostanee language and Nagree character, to the following effect:

Inscription on the stamps.

1. "Money papers"—exceeding sixteen rupees, and not above sixty-four, - - "two annas."
2. Ditto—exceeding sixty-four rupees, and not above one hundred and twenty-five, - "four annas."
3. Ditto—exceeding one hundred and twenty-five rupees, and not above two hundred and fifty, - - - - - "eight annas."
4. Ditto—exceeding two hundred and fifty rupees, and not above five hundred, - "one rupee."
5. Ditto—exceeding five hundred rupees, and not above one thousand, - - - "two rupees."
6. Ditto—exceeding one thousand, and not above two thousand rupees, - "four rupees."
7. Ditto—exceeding two thousand rupees, - "eight rupees."

*Third.* The three sizes of paper, which have been approved by the Governor General in Council, for the obligations described in Section XXI, Regulation VI, 1797, shall be continued in use for the obligations described in the present section. If any other sizes or descriptions of paper should be found necessary for any of the obligations, hereby required to be written upon stamp paper, particularly for bills of exchange, which were not included in the former regulation, the collectors of the several zillahs are to report the same to the board of revenue, and the latter are to forward such reports and samples, with their opinion thereupon to the Governor General in Council, who, if it appear necessary, will order such paper to be stamped for each of the rates of duty, specified

Sizes of paper described in Section XXI, Regulation VI, 1797, to be continued.

Mode of reporting to the Governor General in Council, should any other size be found necessary.

specified in this section, or for as many of them as may be required.

After the date specified in Section II. receipts, &c. &c. for any sum exceeding sicca rupees sixteen, to be written on stampt paper.

Exceptions.

Rates of duty and inscription to be the same as in the preceding section.

IV. *First.* After the date specified in Section II. of this regulation, all acknowledgments for the receipt of money, whereby any sum exceeding sixteen sicca rupees shall be acknowledged to have been paid, received, accounted for, balanced, discharged, released, or in any manner satisfied; or which shall in any manner signify such acknowledgment (with an exception to all acknowledgments granted on the part of government, or for sums received from government, and also with an exception to all acknowledgments for the rent of land paying revenue to government,) shall be written on stampt paper, subject to the rates of duty specified in the preceding section, upon obligations for the payment of money; and the stamps for the several receipts shall have the same inscription as has been prescribed for obligations.

On receipt of this regulation, samples of such &c. &c. of paper to be submitted for the Governor General in Council's determination on the stamps to be affixed.

*Second.* On receipt of this regulation, the collectors shall transmit to the board of revenue, samples of the several sizes and descriptions of paper, on which acknowledgments for the receipt of money are usually written in their respective zillahs; and the board of revenue, after receiving such reports from the collectors, are to forward to the Governor General in Council, samples of the sizes and descriptions of paper which may appear to them proper to be stamped for receipts under this regulation. The Governor General in Council will then determine the sizes and descriptions of paper to which the stamps shall be affixed.

All original deeds, &c. &c. and copies to be written on stampt paper after the date specified in Section II.

V. *First.* All original deeds for the sale, gift, devise, or other transfer of property, real or personal, all deeds of mortgage, assignment, or release, and all other deeds of contract and agreement, as well as all other legal instruments of whatever denomination (with the exceptions hereafter noticed), which may be executed within the provinces of Bengal, Behar, Benares, or the Company's territory in Orissa, after the date specified in Section II.

of

of this regulation; and also all copies of such deeds and instruments, which may be prepared after the said date as legal vouchers, whether by a cauzee, moofree, or any other person, shall be written on stampt paper, subject to a duty of four annas; eight annas; one rupee; or two rupees; according to the size of the paper, which may be used for such original deeds or instruments, or the copies of them.

Rates of duty on the stamps.

*Second.* The several stamps shall have an inscription in the Persian and Bengal languages and characters, and in the Hindoostannee language and Nagree character, to the following effect:

| | | |
|---|---|---|
| Law papers, | - | "two rupees." |
| or | - | "one rupee." |
| or | - | "eight annas." |
| or | - | "four annas." |

Sizes of paper described in Section XVI, Regulation VI, 1797, to be continued.

*Third.* The four sizes and descriptions of paper, which have been approved by the Governor General in Council for the deeds and stamps, described in Section XVI, Regulation VI, 1797, shall be continued in use for the deeds and stamps, described in this section. If any other sizes of descriptions of paper should be found necessary for any of the deeds, or instruments, hereby required to be written upon stampt paper, the collectors are to report the same, with samples of the paper required, to the board of revenue, and the latter are to forward such reports and samples, with their opinion thereupon, to the Governor General in Council, who, if it appear necessary, will order such paper to be stamped, and at the same time determine the proper stamp to be affixed thereto.

Mode of reporting, should any other size be found necessary.

Exceptions.

*Fourth.* All contracts or engagements of whatever description, which may be entered into for the provision of any part of the Company's investment, or for the manufacture of salt, or opium, as well as generally all deeds to which government may be one of the contracting parties, are excepted from this regulation; and neither the originals,

originals, or copies of such deeds, are required to be written upon stampt paper, unless by any particular regulation it be otherwise specially provided; all obligations for the payment of money, as well as all acknowledgments for the receipt of money, which, by Sections III, and IV, of this regulation, are made subject to a distinct stamp duty or excepted from such duty, are also excepted from, and not meant to be included in, any part of the present section.

Document not to be admitted in evidence, or received without the prescribed stamp.

VI. *First.* After the period fixed for the operation of Sections III, IV, and V, of this regulation, (as specified in Section II,) any obligation for the payment of money, or any acknowledgment for the receipt of money, or any deed, or legal instrument of whatever denomination, required to be written upon stampt paper, which may not be written on paper bearing the stamp prescribed for such obligation, receipt, deed, or other instrument, shall not be admitted in evidence, or otherwise received, or filed, in any court of judicature, or by any officer of government in his official capacity, until the proper stamp shall have been affixed at the treasury, and stamp office, to such obligation, receipt, deed, or instrument, in the manner hereafter provided.

Mode prescribed for getting the stamp affixed to a document, if presented to any collector within sixty days after its execution.

*Second.* If any person shall inadvertently, or from whatever cause, have taken an obligation, receipt, deed, or instrument, required to be written upon stampt paper, on any other paper than the stampt paper, prescribed for such obligation, receipt, deed, or instrument, and, within sixty days after the execution thereof, shall present the same to the collector of the zillah, in which it may have been executed, or to the collector of any other zillah; and shall at the same time pay a penalty, equal to five times the amount of the stamp-duty, which would have been payable for such obligation, receipt, deed, or instrument, if it had been prepared on the prescribed paper; the collector, to whom the obligation, receipt, deed, or instrument may be so presented, shall certify thereupon the receipt of the penalty (specifying the exact amount received,

Penalty to be paid.

with

with the date) and ſhall tranſmit it to the ſuperintendent of the ſtamp-office, who ſhall affix the proper ſtamp thereto, as well as cauſe it to be ſtamped at the treaſury in conformity to Section XXVI, Regulation VI, 1797; after which it ſhall be returned to the party, and ſhall be admiſſible in evidence in the courts of judicature, and otherwiſe be received in like manner as if it had been prepared on the preſcribed ſtampt paper.

Mode preſcribed for getting the ſtamp affixed to a document, if preſented after ſixty days.

*Third.* Any obligation, receipt, deed, or inſtrument, which may not have been prepared on the preſcribed ſtampt paper, and which may be preſented to any collector after the lapſe of ſixty days from the execution thereof, with a penalty equal to ten times the amount of the ſtamp-duty which would have been payable on ſuch obligation, receipt, deed, or inſtrument, in the firſt inſtance, if it had been prepared on the preſcribed paper, ſhall alſo be tranſmitted to the ſuperintendent of the ſtamp office as directed in the preceding clauſe, and after being duly ſtamped, ſhall be admiſſible in evidence in the ſame manner as if it had been originally prepared upon ſtampt paper.

Penalty to be paid.

In what [illegible] the board of revenue may remit the penalty or a part of it.

*Fourth.* In caſes wherein obligations, receipts, deeds, or inſtruments, preſented to the collectors under either of the two preceding clauſes, may evidently appear to have been not written upon the preſcribed ſtampt paper from ignorance or from any other cauſe, ſhewing clearly that there was no intention to evade the preſcribed duty, they are to report the circumſtances of the caſe to the board of revenue, who, after ſuch inveſtigation as they may judge neceſſary, are authorized, on proof to their ſatisfaction that no fraud was intended, to remit the exceſs of the penalty ſpecified in the above clauſes above the original ſtamp duty, or ſuch part thereof, as it may appear to them proper to remit, on due conſideration of all the circumſtances of the caſe.

Perſons executing a deed contrary to the proviſions con-

VII. Any perſon, who after the period fixed by Section II, of this regulation, ſhall write, ſign, or otherwiſe execute, or cauſe to

be

tained in the preceding section liable to penalty, as well as the holder of its.

be written, signed, or otherwise executed, any obligation for the payment of money, or acknowledgment for the receipt of money, or any deed, or legal instrument of whatever denomination, required to be written upon stampt paper, upon any other paper than the stampt paper prescribed for such obligation, receipt, deed, or instrument; and who may not subsequently have presented the same for the purpose of being stamped under the provisions contained in the preceding section, shall, whenever the fraud may be discovered, be liable to a fine to government equal to ten times the prescribed stamp duty, exclusive of the penalty to be paid by the possessor of the instrument, for the purpose of having it duly stamped in conformity to the above section. Such fine, together with all costs of suit, shall be recoverable by a summary process in the zillah and city courts of dewanny adawlut, at the suit of the collector, to be conducted by the vakeel of government; and if any information shall have been given to the collector, whereby the fraud may have been discovered, a moiety of the fine recovered shall be given to the informer. The judge of the court, in which the suit may be instituted, is authorized however to remit or reduce the fine, whenever it may evidently appear that the omission to use the prescribed stampt paper proceeded from ignorance, or that there was otherwise no intention to evade the prescribed duty.

Mode of recovering penalty.

Moiety to be given to informers. In what cases judge may reduce or remit the penalty.

Evasions by executing two or more acknowledgments, &c. &c. to bring the amount within the exemption of small sums punishable by fine under the preceding section.

VIII. Any evasion of the stamp duty upon obligations for the payment of money, or acknowledgments for the receipt of money, by executing two or more acknowledgments at the same time for portions of any payment, or receipt, with a view to bring the total amount within the exemption of small sums, contained in Sections III, and IV, of this regulation, shall be punishable by fine in the zillah and city courts of dewanny adawlut, under the provisions contained in the preceding section, the whole of which is to be considered applicable to any similar fraudulent evasions of any parts of the stamp duties, which may not be otherwise provided for, as well as to frauds of the above description.

IX.

IX. It is left to the parties in all pecuniary or other transactions, wherein the use of stampt paper is prescribed, to agree between themselves by whom the stampt paper required shall be provided; but whenever no such agreement may have taken place, it is to be understood that the party bound to execute the obligation, receipt, deed, or other instrument, required to be written upon stampt paper, is to provide the paper prescribed for this purpose.

Stampt paper to be provided as agreed upon by the parties.

By whom to be provided, if no agreement shall have taken place.

X. The collectors of the several zillahs, who by Regulation VI, 1797, were instructed to furnish the cauzees and mooftees in their respective jurisdictions with the necessary supplies of stampt "law papers," and to transmit supplies of the stampt paper for money obligations, prescribed by that regulation to any persons they might appoint to dispose of the same, are authorized to appoint the cauzees, tehsildars, and such other persons as they may think proper, to dispose of the several descriptions of stampt paper, specified in the present regulation; and are directed to appoint a sufficient number of agents for this purpose throughout the several pergunnahs, or other local divisions of their respective collectorships, to enable the inhabitants to procure at all times with facility the prescribed stampt paper for any obligations, receipts, deeds, or other instruments, required to be written thereupon. The collectors, from the commission granted to them by the following section, are to allow the agents so appointed by them for the sale of stampt paper, an adequate compensation for their trouble and responsibility for any paper transmitted to them, which may be destroyed, damaged, or not be forthcoming after they shall have received charge of it. The amount so allowed is to be deducted by the agent from his monthly receipts, and the remainder remitted, and accounted for to the collector, at such periods, and in such manner, as the latter may direct.

Collectors may distribute stampt paper to agents to dispose of.

Compensation to be allowed to such agents.

XI. The collectors of the several zillahs are to apply to the superintendent of the stamp office for the requisite supplies of stampt paper,

Collectors to procure the stampt paper from the superintendent.

and to be allowed a commission on the sale.

paper, prior to the period, fixed for the operation of Sections III, IV, and V, of this regulation; and as a compensation to them for the disposal of such paper, as well as to defray any expense incurred in the distribution and sale of it, after it shall have reached their respective stations, and also to cover their responsibility for any such paper, transmitted to them, which may be destroyed, damaged, or not be forthcoming after they shall have received charge of it, they shall be allowed a commission of ten per cent upon the gross sale produce of all such paper, which may be disposed of by them or by their agents respectively. Such commission, as already stated, is to provide for the compensation to their agents authorized by the preceding section, in common with every other charge attending the sale of the paper, after its arrival at the stations of the collectors; but is not meant to include the expense of providing and stamping the paper at the presidency, or of transporting it from thence to the stations of the collectors respectively.

Clause Seventh, Section XXI, Regulation VI, 1797, superseded.

XII. The operation of the preceding sections will of course supersede Clause Seventh, Section XXI, Regulation VI, 1797, which authorized the collectors to dispose of stampt paper to any persons, desirous of purchasing the same, on payment of fourteen annas in each rupee of the amount of the prescribed duties; and it will also take from the cauzees and mooftees the allowance of three annas in the rupee on the disposal of law papers, which was granted to them by Clause First, Section XVI, Regulation VI, 1797, instead of the fees for preparing and attesting law papers, noticed in Section VIII, Regulation XXXIX, 1793, viz. such as the parties concerned might voluntarily agree to pay them for preparing and attesting such papers. Section XVI, Regulation VI, 1797, being now rescinded from the date specified in Section II, of this regulation, Section VIII, Regulation XXXIX, 1793, is to be considered again in force from that period: on or before the arrival of which, the collectors are to call upon the several cauzees, and other persons, who may have been entrusted by them with the sale of stampt paper under Regulation VI, 1797, to render back

Section XVI, Regulation VI, 1797, rescinded, and Section VIII, Regulation XXXIX, 1793, to be again in force from the date specified in Section II, of this regulation.

Cauzees to render back to the collectors any unsold stampt paper, &c. current

such

such stampt paper, as may not have been sold and may be no longer current under the present regulation; all which paper is to be returned by the collectors with a particular account of it, to the superintendent of the stamp office, that the stamps may be taken from it, and the paper used for any other description of stamps under the existing regulations, to which it may be adapted. The collectors are at the same time to supply the cauzees of their respective zillahs with a sufficient quantity of the stampt paper required for new papers under the present regulation, and are to be careful that they are at all times supplied with such paper as well as with the stampt paper prescribed for money obligations and receipts.

under this regulation. Collectors to return it to the superintendent.

XIII. With a view to reduce the number of accounts, at present kept by the different officers, who have the charge of stampt paper in the judicial and revenue departments, and to relieve the courts of judicature from the trouble and responsibility incidental to the disposal of such paper, and the collection of the stamp duty thereon, such parts of Sections XVII, and XVIII, Regulation VI, 1797, and of Section XI, Regulation X, 1797, as authorize the several courts of judicature, and the zillah and city magistrates, to apply to the superintendent of the stamp office for supplies of stampt paper, and to dispose of the same in the manner therein directed, are hereby rescinded from the 30th of the present month of April; after which date the disposal of all stampt paper, prescribed for pleadings and petitions in the courts of justice, or for copies of judicial papers, or for complaints punishable by the magistrates, and generally all stampt paper now disposed of by the courts of justice, civil or criminal, (except the paper for summuds to cauzees and vakeels, described in Section XXV, Regulation VI, 1797, which is to be supplied and accounted for as heretofore) shall be committed to the charge and disposal of the collectors of revenue in the several zillahs; who, in addition to the indents they are already directed to make for stampt paper, to be disposed of by them under Regulations VI, and X, 1797, and the present regulation, are required to apply to the superintendent of the stamp office for such supplies

Sections XVII, and XVIII, Regulation VI, 1797, and Section XI, Regulation X, 1797, partly rescinded from 30th instant.

Stampt paper (summuds to cauzees and vakeels excepted) to be committed to the charge and disposal of collectors, who are to apply for the necessary supply to the superintendent.

supplies of the stampt paper, prescribed in Sections XVII, and XVIII, Regulation VI, 1797, Section VI, Regulation X, 1797, or any part of the present regulation, as may be hereafter required for the use of the courts of judicature within their respective collectorships, and of the pleaders and parties in such courts.

Courts whose charge of the stampt paper described in the preceding section to continue to dispose of it till the 30th instant, when they are to deliver the residue to the collectors.

XIV. The courts of judicature, who have now the charge of the stampt paper described in the preceding section, are to continue to dispose of the same as heretofore, till the 30th of the present month; on which date they are to deliver over any residue of paper in their possession to the collectors of their respective jurisdictions, or to the agents who may be appointed by them for the disposal of the paper; and the collectors are to give receipts for all paper so delivered to them, which are to be forwarded by the several courts to the superintendent of the stamp office.

Collectors to appoint an agent for the sale of stampt paper, at each court in their districts.

XV. That the pleaders, and parties attending the several courts of judicature, may be at all times readily supplied with any stampt paper for which they may have occasion, the collectors shall appoint an agent for the sale of stampt paper, at each of the courts within their respective collectorships (including the courts of sudder dewanny adawlut, and nizamut adawlut, at which an agent is to be appointed by the collector of Calcutta,) and shall be careful to furnish such agent at all times with a sufficient supply of paper of every description. The collectors are to allow such agents a compensation for their trouble and responsibility, and are authorized to draw a commission of ten per cent, upon the gross sale produce of the paper disposed of by themselves or by their agents, under the provisions contained in Sections X, and XI, of this regulation, which are hereby extended to all stampt paper of whatever description, which may be disposed of by the revenue collectors or their agents, after the 30th of the present month (that supplied to paupers excepted) in all cases where there may be no provision to the contrary in this or any other regulation.

The whole such agents are to be responsible for.

Section XI, extended to every description of stampt paper, after 30th inst.

XVI.

XVI. That the courts of judicature may be furnished with a supply of stampt paper for the use of paupers, to whom the duty may be remitted under Section XIII, Regulation X, 1797, the agents on the part of the collectors appointed to attend the several courts, are, on the requisition of the judge or register, to furnish any paper that may be required for this purpose; and the receipt of the judge or register, for the paper so supplied, shall be a sufficient voucher to the collector for entering the same in his accounts. The judges and registers of the several courts however in the exercise of the discretion vested in them by Section XIII, Regulation X, 1797, are not to admit the plea of poverty, without some evidence, in addition to the oath of the party, of his real inability to pay the stamp duty; and in the event of a pauper, who may have been supplied with stampt paper obtaining a judgment in his favor, with costs, or of the costs of a pauper becoming payable under any of the provisions contained in Regulation XLVI, 1793, or any other regulation, the courts of justice are to recover the stamp duty upon any paper, supplied to such pauper, and cause the same to be paid to the collector, from whom the paper may have been received. The collector's receipt is to be taken for all sums so paid to him; and to be kept with the records of the court or transmitted to the presidency, with the quarterly accounts of the judges, as may be directed.

Stampt paper to be supplied to paupers.

Plea of poverty not to be admitted without evidence.

In what case the courts are to recover the stamp duty on paper supplied to paupers.

XVII. The agents on the part of the collectors, who may be appointed under Section XV, of this regulation, to supply the courts of justice with stampt paper, shall also on the requisition of the judge or register of the court, furnish any stampt paper that may be required for copies of decrees, which by Section XXVI, Regulation IV, 1798, are ordered to be prepared and rendered to the parties within ten days after the same may be passed; or for any orders or proceedings of court, of which copies may be directed to be prepared for the use of the parties. But as all such paper, (under the provision for paupers made by the preceding section) will be liable to the payment of the prescribed stamp duty, the registers

Agents to supply the courts with stampt paper for copies of decrees, &c. &c.

Regulation to be careful that the stamp is levied and paid.

gisters of the several courts are to be careful that the stamp is levied and paid to the collector's agent, whenever the copies of decrees, orders, or proceedings, so prepared, may be delivered to the parties or their vakeels. In consideration of the greater durability of English paper, it is directed that all decrees of the zillah and city courts, the provincial courts of appeal, and the court of sudder dewanny adawlut, shall be written upon paper of English manufacture, to bear the highest rate of duty specified in Clause Second, Section XVIII, Regulation VI, 1797, as soon as the several courts can be supplied with the same; and the collectors are to make the necessary application to the superintendent of the stamp office for this purpose. The regulations requiring that authenticated copies of all decrees be prepared for delivery to the parties, they are to be held liable (paupers excepted) to the payment of the established duty on the stampt paper used for the copies of decrees so prepared for them, whether they shall intend to take out the same or otherwise; and the courts are to enforce payment accordingly. The same principle is to be applied to any copies of orders or proceedings which a party may be required to take, and which may be prepared on stampt paper in consequence; but not to any other copies of orders or proceedings, which the parties are not required to take, and which they may not apply for. When the parties or their vakeels, make application to the courts for any copies of judicial papers, which are not required by the regulations to be prepared for them, they are themselves to provide the requisite stampt paper in the first instance, and their application shall not otherwise be complied with.

Decrees and Acts of courts to be written on English paper of the highest rate of duty.

Parties shall be liable to the payment of the duty on stampt paper used for decrees &c. required to be taken by them, whether they apply for them or not.

Parties themselves to provide the stampt paper when applying for copies of judicial papers not required to be taken by them.

XVIII. The general terms of Clause Fourth, Section XVIII, Regulation VI, 1797, having been understood to imply that all copies whatever of judicial papers, whether furnished to individuals, or made for records of courts, or for transmission to the board of revenue, collectors, or other public officers, must be alike written upon stampt paper, it is hereby declared, that it was not intended by the above section to require any copies of judicial papers

Clause Fourth, Section XVIII, Regulation VI, 1797, explained.

pers to be made upon ſtampt paper, excepting ſuch, as might be furniſhed to the parties in cauſes, their vakeels, or other perſons, at their application, or in conſequence of any regulation requiring them to take ſuch copies, as ſtated in Clauſe Firſt of the ſection abovementioned. Under this explanation, it will not be neceſſary in future to uſe ſtampt paper for any abſtracts or copies, tranſmitted by the courts of judicature to the board of revenue, or collectors, or to the ſuperior courts, or Governor General in Council; nor will it be requiſite that the copies of decrees prepared by the courts to remain with their own records, ſhould be written upon ſtampt paper, though it is directed that unſtamped Engliſh paper be uſed for ſuch copies of decrees, of the ſame ſize and deſcription, with that which may be ſtamped for the copies of decrees to be delivered to the parties.

Stampt paper for copies, &c. for tranſmiſſion to the board of revenue, &c. &c. not to be uſed in future.

Unſtamped Engliſh paper to be uſed for copies of decrees for record.

XIX. In caſes of appeal from the judgments of the court of ſudder dewanny adawlut to the King in Council, the two copies of proceedings required by Section V, Regulation XVI, 1797, for tranſmiſſion to his Majeſty in Council, are to be prepared on ſtampt paper, at the expence of the appellant (paupers excepted) both with reſpect to the charge incurred in making ſuch copies, and the ſtamp duty payable upon the paper uſed for the ſame. Any copies of proceedings in ſuch caſes furniſhed to the appellant and reſpondent as authorized by Section V, Regulation XVI, 1797, are alſo to be made on ſtampt paper, ſubject to the proviſion contained therein reſpecting the expence, which is to include the ſtamp duty, and to be paid by the parties to whom ſuch copies may be furniſhed. The copies of the proceedings of the ſudder dewanny adawlut in the above caſes are to be made on Engliſh paper, bearing the higheſt rate of duty ſpecified in Clauſe Second, Section XVIII, Regulation VI, 1797. It was not intended by this regulation, that the Engliſh proceedings of the court of ſudder dewanny adawlut ſhould be copied on ſtampt paper in any other caſes except the foregoing: but all copies or tr. ſlations of the proceedings of the ſudder dewanny adawlut, which may be furniſhed to any

Copies of proceedings in appeals from the ſudder dewanny adawlut, to be prepared on ſtampt Engliſh paper, bearing the higheſt rates of duty.

Section XVIII, Regulation VI, 1797, explained.

perſon

perſon at his own application, or in conſequence of any regulation requiring him to take the ſame, are to be written on the ſtampt paper deſcribed in the above ſection, and conſidered liable to all the proviſions contained therein.

Section XVII, Regulation VI, 1797, explained.

XX. A reference has been made by ſome of the courts of juſtice to aſcertain whether the petitions of plaint in ſuits referrible to the native commiſſioners empowered to act as referees under Regulation XL, 1793, are required by Section XVII, Regulation VI, 1797, to be written on ſtampt paper. Theſe plaints being originally preſented to, and referred from, the zillah and city courts, they are required, in common with all other petitions of plaint preferred to the zillah and city courts, to be written on ſtampt paper, under the proviſions contained in Section XVII, Regulation VI, 1797; but after ſuch cauſes ſhall have been referred to the commiſſioners, the ſubſequent pleadings, delivered to them, are not required to be written upon ſtampt paper, by the above ſection, the proviſions in which are limited to the zillah and city courts, (including the ſuits referrible to the regiſters of theſe courts,) the provincial courts of appeal, and the court of ſudder dewanny adawlut. It is further hereby explained, that in caſes of appeal to the zillah and city courts from the deciſions of the native commiſſioners, the exhibit fees preſcribed by Section V, Regulation VI, 1797, are meant to be taken on the exhibits delivered upon the trial of the appeal only; not on the exhibits delivered on the original trial before the native commiſſioner.

Rates of ſtamp duty payable under Clauſes Fourth, & Fifth, Section XVII, Regulation VI, 1797, not affected by Regulation XII, 1797, and Regulation V, 1798.

XXI. By Clauſes Fourth, and Fifth, Section XVII, Regulation VI, 1797, all pleadings in the civil courts of judicature are declared liable to a ſtamp duty, of either one or two rupees, according as the cauſe to which they relate, may, or may not be appealable to the ſudder dewanny adawlut. At the time the above regulation was enacted, all cauſes for value exceeding one thouſand ſicca rupees, were appealable to the ſudder dewanny adawlut, but ſubſequently

quently thereto by Regulation XII, 1797, and Regulation V, 1798, all decisions passed by the provincial courts of appeal, whether for money or other personal property, or for real property, have been declared final to the amount of five thousand sicca rupees. This limitation of appeals to the sudder dewanny adawlut was not intended to affect the rates of stamp duty, payable under Clauses Fourth, and Fifth, Regulation VI, 1797, and it is accordingly hereby declared, that after the receipt of the present regulation in the several courts of justice, a stamp duty of either one or two rupees shall be paid on the prescribed paper for pleadings, according as the cause in which they may be filed shall be for a sum or value not exceeding the sum of one thousand sicca rupees, or exceeding that amount, without any reference to the limitation of appeals to the court of sudder dewanny adawlut.

Sections V, VI, and VII, Regulation VI, 1797, explained.

XXII. By Sections V, VI, and VII, Regulation VI, 1797, an exhibit fee is established on every exhibit, which may be filed in the zillah and city courts of dewanny adawlut, the provincial courts of appeal, and the court of sudder dewanny adawlut, in addition to the plaint, answer, reply, and rejoinder. This limitation was not meant to subject supplementary pleadings, or petitions delivered by the parties or their vakeels upon stampt paper, to the payment of the exhibit fee; but such fee is to be levied upon all documents whatever, exhibited in evidence of any fact relating to civil causes, including vakalutnamahs, which have been declared liable to the prescribed fee, as being exhibited by the parties in evidence of the appointment of pleaders in such causes.

On what documents exhibit fees are to be levied.

XXIII. It having been deemed expedient that the stamp duty upon complaints for petty offences punishable by the zillah and city magistrates, which was established by Section VI, Regulation X, 1797, when such complaints might be preferred to the magistrate, or brought before him by the police darogahs or cutwals, should be extended to the same complaints, when preferred to the police officers in the first instance, Section VIII, Regulation X, 1797,

Section VIII, Regulation X, 1797, rescinded.

1797, is hereby rescinded; and it is required that all complaints of the above description, viz. for abusive language, calumny, inconsiderable assaults or affrays, or other petty offences, which the magistrates are empowered to determine without reference to the courts of circuit, shall, after the promulgation of this rule, be written upon the stampt paper described in Sections VI, and VII, Regulation X, 1797, and bearing a duty of eight annas per roll or sheet, whether the same be preferred, in the first instance, to the zillah or city magistrate; or to the police darogahs or cutwals; or to the tehseeldars who have the charge of the police in the province of Benares. No darogah, cutwal, or tehseeldar, shall receive any such complaint which may not have been written upon such stampt paper, under penalty of immediate dismission from office; and the plaint so received shall not be heard or proceeded upon. Further, if any person, with a view to evade the prescribed duty, shall wilfully misrepresent the nature or circumstances of any offence complained of, so as to make it appear not within the description of offences, the petitions in which are required to be written on stampt paper, and it shall afterwards be found, on investigation of the case, that the complaint ought to have been preferred on stampt paper, the party guilty of such misrepresentation shall be compelled to pay a penalty equal to ten times the amount of the stamp duty, which would have been payable by him; or, in the event of his inability to pay the same, shall be otherwise punished as the magistrate, within the general powers vested in him, may judge proper on consideration of all the circumstances of the case.

On what stampt paper complaints for petty offences are to be written. What duty to be paid in such cases, whether the petitions be preferred to the magistrates or police officers.

Penalty to police officers for receiving complaints on unstamped paper. Plaint not to be heard.

What penalty persons misrepresenting an offence to evade the duty are liable to.

XXIV. All miscellaneous petitions and applications, presented to the several courts of judicature, are directed by Clause Ninth, Section XVII, Regulation VI, 1797, to be considered as pleadings, and to be written upon stampt paper accordingly under the rules contained in that section. It is further hereby declared, that the above clause shall be applied after the receipt of this regulation, to all petitions or applications preferred to the registers of the

Clause Ninth, Section XVII, Regulation VI, 1797, to be applied to petitions preferred for registry of deeds, &c. &c. on receipt of this regulation.

the zillah and city dewanny adawluts for the registry of deeds, or for any other purpose, under Regulation XXXVI, 1793, extended to Benares by Regulation XXVIII, 1795: and also that all copies of deeds furnished by the registers under the above regulation, shall be written on the law papers described in Section V, of the present regulation, after the date fixed by Section II, for the operation thereof. The stampt paper for this purpose is to be supplied by the party who may desire to be furnished with such copies.

On what paper copies of deeds furnished under Regulation XXXVI, 1793, are to be written.

What party to supply the stampt paper.

XXV. All petitions or applications to the board of revenue, or to the collectors of revenue, or other revenue officers, being covenanted servants of the Company, for a division of estates, settlement of revenue, or any other matter within the cognizance of the revenue department, shall after the receipt of this regulation, be written upon stampt paper bearing the same rates of duty as those fixed by Section XX, Regulation VI, 1797, for copies of revenue papers, viz. one rupee; eight annas; four annas; or two annas: and subject to all the provisions contained in that section; which as far as respects the copies of papers required to be written on stampt paper, is to be construed in the same manner as has been already explained, with respect to the copies of judicial papers; viz. that the copies furnished to individuals at their application, or in consequence of any regulation requiring them to take such copies, are alone required to be written on stampt paper, as stated in Clause First, of the section abovementioned. No petition, which may be written upon any other than the prescribed stampt paper, shall be hereafter received and filed by any officer of the board of revenue, or by any collector or other revenue officer being a covenanted servant of the Company, under the penalty specified in the Fifth Clause of the section and regulation abovementioned. Provided however, that if any person desirous of presenting a petition to the board of revenue, or to a collector, or other revenue officer, shall declare on oath his inability to pay the prescribed stamp duty, and shall adduce evidence in proof thereof, he shall be furnished with the requisite stampt paper without paying any duty thereupon; and the

Rates of duty to be paid on application to revenue officers.

Petitions written on unstamped paper not to be received by any such officers.

Penalty.

Exception in case of paupers.

the collector, or other officer, shall enter the same in his accounts under such head as may be prescribed to him. The secretary to the board of revenue, and the several collectors are to apply to the superintendent of the stamp office for any paper which may be required under this section; and the collectors are to dispose of the same under the provisions contained in Sections X, and XI, of this regulation. The secretary to the board of revenue is also authorized to dispose of any paper which may be furnished to him, under similar provisions; as well as all other revenue officers who may at any time be entrusted with the disposal of stampt paper; and it is expected that they will in consequence pay strict attention to the duty assigned them; as well as exert themselves to render the stamp tax as productive as possible, by using every endeavour to prevent the evasion of it.

Secretary to the board of revenue and collectors to apply to the superintendent for stampt paper.

Under what provisions secretary to the board of revenue, collectors &c. &c. are to dispose of it.

XXVI. In addition to the penalties prescribed by Sections XVII, XVIII, and XX, Regulation VI, 1797, it is hereby provided, that any judicial or revenue native officer, who may hereafter file in any court of justice or in the office of any collector, or other revenue officer, any pleading, petition, or other document required to be written upon stampt paper, which may not have been written on the prescribed stampt paper; or who shall furnish a copy of any judicial or revenue paper, or proceeding required to be written upon stampt paper, on any other paper than the prescribed stampt paper, shall, besides dismission from office, as prescribed by Regulation VI, 1797, be liable to the payment of a fine to government equal to ten times the amount of the stamp duty, which would have been payable if the prescribed stampt paper had been used for such pleading, petition, document or proceeding. Such penalty to be recoverable by a summary process, in the zillah and city courts of dewanny adawlut under the provisions contained in Clause Third, Section XXIII, Regulation VI, 1797; the whole of the provisions in which section are also declared applicable to the stampt paper prescribed by any part of the present regulation.

What additional penalties judicial and revenue native officers filing unstamped documents are liable to.

Mode of recovering penalty.

Section XXIII, Regulation VI, 1797, applicable to the stampt paper prescribed in this regulation.

XXVII.

XXVII. The collectors, and other officers, entrusted with the disposal of stampt paper, are authorized and required to prosecute for the recovery of all penalties, which may be incurred by an evasion of the stamp duties prescribed by Regulations VI, and X, 1797, or any part of the present regulation; and if any information shall have been given whereby the fraud may have been discovered, a moiety of the amount recovered shall be paid to the informer. The collector or officer who may prosecute in such cases, shall also draw his commission of ten per cent on the amount recovered without any deduction for the moiety paid to the informer.

Collectors &c. &c. to prosecute for the recovery of penalties.

Share to informer.

Collectors &c. to be allowed commission on amount recovered.

# A. D. 1800. REGULATION VIII.

REGULATION *for preparing a general pergunnah register of lands; and for certain alterations in the prescribed registers of estates paying revenue, and lands held exempt from the payment of revenue.*—PASSED *by the Governor General in Council, on the* 3*d July* 1800; *corresponding with the* 21*st Assar* 1207 *Bengal era; the* 26*th Assar* 1207 *Fussily; the* 21*st Assar* 1207 *Willaity; the* 26*th Assar* 1857 *Sumbut; and the* 10*th Suffer* 1215 *Higeree.*

BY Regulations XLVIII, 1793, and XIX, 1795, a general register is directed to be kept of the landed estates assessed with the public revenue in Bengal, Behar, Orissa and Benares, and by Regulations XIX, and XXXVII, 1793, XLI, and XLII, 1795, a register is required of all lands held exempt from the payment of revenue in the four provinces. In the former the names of the estates in each zillah are directed to be arranged alpha-

alphabetically, and in both the names of the villages contained in the eſtate or grant are ordered to be ſpecified, as well as the pergunnahs and other local diviſions comprehended therein. This ſpecification in the whole of the regiſters, which are directed to be prepared in three different languages, and (in addition to the original regiſters kept by the collectors) to be copied for the uſe of the courts of judicature and board of revenue, has occaſioned a voluminous detail, productive of delay in keeping up the original regiſters; at the ſame time that the form preſcribed for thoſe regiſters, and the neceſſary arrangement of them according to the eſtates and tenures included therein, prevent their ſhewing, in a connected view, the ſtate of the pergunnahs or other local diviſions of the country, ſeveral of which in ſome inſtances are included in one eſtate, whilſt in others a pergunnah compriſes many diſtinct eſtates; or ſeveral ſmall eſtates, and portions of eſtates ſituated in different pergunnahs. To remedy the above inconvenience, as well as otherwiſe to facilitate the punctual preparation of the regiſters preſcribed by the regulations aforeſaid; and to provide for a general regiſter of the lands, whether malgoozarry or lakheraje, according to their ſituation within the pergunnah or other eſtabliſhed local diviſion to which they are reſpectively annexed, the Governor General in Council has enacted the following rules to be in immediate force throughout the provinces of Bengal, Behar, Oriſſa and Benares.

Collectors ſhall form pergunnah regiſters of all lands in their reſpective diſtricts.

II. The collector of Benares and the collectors of the ſeveral zillahs in Bengal, Behar and Oriſſa, on receipt of this regulation, ſhall proceed to form a regiſter of all the lands in their reſpective diſtricts, of whatever deſcription, to be denominated "pergunnah regiſter of lands, malgoozarry and lakheraje;" and to be prepared as hereafter directed.

The regiſter ſhall contain a diſtinct head for each pergunnah, or ſuch other local diviſion of lands as may have been eſtabliſhed.

III. *First.* The regiſter ſhall contain a diſtinct head for each pergunnah; or where no pergunnah diviſion may have been eſtabliſhed, for ſuch local diviſion as may have been eſtabliſhed in-

ſtead

ſtead of a pergunnah; whether a tuppah, turruf, or of whatever other known denomination; but wherever the pergunnah diviſion may exiſt, the lands within ſuch diviſion ſhall be regiſtered under the head of the pergunnah.

*Second.* The regiſter of each pergunnah, (or other local diviſion where there may be no pergunnah) ſhall be divided into two parts, the one for malgoozarry lands, or lands aſſeſſed for the public revenue; the other for lakheraje lands, or lands exempted from the public aſſeſſment.

The regiſter of each diviſion ſhall be divided into two parts, for malgoozarry and lakheraje lands.

*Third.* The malgoozarry part of the regiſter ſhall comprize the following particulars of all lands within the pergunnah paying revenue to government; to be ſpecified diſtinctly for each eſtate ſituated therein.

What particulars the malgoozarry part of the regiſter ſhall contain.

1. Name of the eſtate to which the lands appertain, as entered in the regiſter of eſtates paying revenue to government preſcribed by Regulation XLVIII, 1793, and Regulation XIX, 1795, with a reference to the number under which the eſtate may have been entered in ſuch regiſter.

2. Name of the proprietor or proprietors of the eſtate, as alſo entered in the regiſter of eſtates preſcribed by the above regulations.

3. A detailed ſtatement of the ſeveral villages, portions of villages, or other ſub-diviſions of each eſtate within the pergunnah; with an accurate enumeration of them, for the purpoſe of being referred to in the regiſter of eſtates, as provided in Section XI, of this regulation.

4. The ruckbah, or meaſurement of each village or other ſub-diviſion, whenever the ſame may be aſcertainable by public meaſurements to ſettle diſputes, or otherwiſe.

5.

5. The groſs rents of any village or other ſub-diviſion which may have been aſcertained by a khas collection, attachment, or otherwiſe.

What particulars the lakheraje part of the regiſter ſhall contain.

*Fourth.* The lakheraje part of the pergunnah regiſter ſhall comprize the following particulars of all lands within the pergunnah not paying revenue to government, to be ſpecified diſtinctly for each lakheraje tenure ſituated therein.

1. Denomination of the tenure as entered in the regiſter of lands held exempt from the payment of revenue to government, preſcribed by Regulations XIX, and XXXVII, 1793, XLI, and XLII, 1795, with a reference to the number under which the tenure may have been entered in ſuch regiſter.

2. Name of the holder or holders of the tenure, as alſo entered in the regiſter of exempted lands preſcribed by the above regulations.

3. A detailed ſtatement of the ſeveral villages, portions of villages, or other ſub-diviſions of each tenure within the pergunnah, with an accurate enumeration of them for the purpoſe of being referred to in the regiſter of exempted lands, as provided in Section XI, of this regulation.

4. The ruckbah, or meaſurement of each village or other ſubdiviſion, wherever the ſame may have been reported by the holders of lakheraje tenures under the requiſitions contained in the regulations above mentioned, or may be otherwiſe aſcertainable.

5. The groſs rents of any village or other ſubdiviſion, the groſs produce of which may have been aſcertained.

At what periods the general per.

IV. The firſt general pergunnah regiſter ſhall be prepared for the

the current Bengal, Fuſſily, and Willaity year 1207, in the diſtricts wherein theſe eras are current reſpectively; and ſhall exhibit the required particulars reſpecting the malgoozarry and lakheraje lands in the ſeveral pergunnahs, as they ſtood at the commencement of that year, of each era, ſo as to correſpond with the quinquennial regiſter of eſtates paying revenue to Government No. 3, and the periodical regiſters of lands held exempt from the payment of revenue No. 2, which by the regulations above referred to are ordered to commence with the year 1207 of the era current in each province. This original pergunnah regiſter is to be numbered *one*. A ſimilar general regiſter is to be prepared at the commencement of the Bengal, Fuſſily, and Willaity year 1212, to be numbered *two*; and thereafter at the commencement of every fifth ſucceeding year, to be numbered in the order in which it may be formed.

gunnah regiſters are to be prepared and how to be numbered.

V. For the purpoſe of recording any alterations in the particulars required to be entered in the quinquennial pergunnah regiſters, which may take place during the interval of five years, the period preſcribed for the formation of them, an intermediate pergunnah regiſter ſhall be kept under the ſame heads as directed for the general regiſters, in which all pergunnah annexations or ſeparations, all diviſions or transfers of eſtates, all new information obtained reſpecting the meaſurement or rents of land, all reſumptions of lakheraje exemptions, and generally all alterations in any of the particulars required to be entered in the pergunnah regiſter of lands, malgoozarry and lakheraje, ſhall be duly recorded, as ſoon as poſſible after ſuch alterations may have taken place; with a note of reference to ſuch parts of the laſt formed quinquennial regiſter as may be affected thereby. Provided however, with reſpect to all transfers or diviſions of eſtates in which an allotment of the public aſſeſſment may be neceſſary, under the rules preſcribed in Section X, Regulation I, 1793, or any other regulation, that no ſuch transfer or diviſion ſhall be regiſtered until the aſſeſſment has been allotted as required by the

Intermediate pergunnah regiſters ſhall be kept for recording all alterations between the periods preſcribed for forming the general regiſters.

Proviſion reſpecting caſes wherein an allotment of the aſſeſſment may be neceſſary.

No entry in the register shall affect the rights of Government.

regulations; nor shall any entry in the pergunnah register be considered to affect the rights of Government, either with regard to lands assessed with the public revenue, or the lands held exempt from such assessment.

The board of revenue are to furnish the collectors with forms of the registers. In what language and by whom the registers are to be kept and how to be attested.

VI. The board of revenue are to furnish the collectors of the several zillahs with a form for the pergunnah register required by this regulation, which is to be kept in the Persian language, by the keepers of the native records appointed under Regulation XXI, 1793, (extended to Benares by Regulation XXXVII, 1795,) with the assistance of such other native officers as may be appointed for this purpose. But the collectors are to attest every page of the register prepared by them after ascertaining that it is accurate, and are to cause the quinquennial register to be bound up as soon as completed, in a volume or volumes of uniform dimensions, each leaf of which having been previously paged, is to be signed by the zillah judge (or by the city judge in the province of Benares) with a specification on the last leaf of each volume, of the total number of pages contained in it, in the hand writing of the judge, as prescribed by the existing regulations with respect to the other registers thereby required. The intermediate register is also to be bound up, paged and attested at the end of every Bengal, Fussily, or Willaity year, in the same manner as above directed with regard to the quinquennial register; and the collectors are enjoined to be careful that the intermediate register is at no time allowed to fall in arrear.

From what materials the general registers are to be prepared, and how the materials, not already received, are to be procured.

VII. The pergunnah register to commence with the current year, is to be prepared from the papers which have been already furnished by the proprietors and farmers of lands paying revenue, or by the holders of land exempt from the payment of revenue, for the registers of these lands respectively, required to be kept by Regulations XIX, XXXVII, and XLVIII, 1793, and Regulations XIX, XLI, and XLII, 1795: as well as from any other materials which may have been procured for the quinquennial registers of

of eſtates paying revenue and the periodical regiſters of exempted lands, directed to be prepared at the commencement of the current Bengal, Fuſſily, and Willaity year 1207. Should any further papers or information be found requiſite for the exact aſcertainment of portions of eſtates ſituated within different pergunnahs, or the preciſe number and names of villages appertaining to the ſeveral eſtates in each pergunnah; or for the purpoſe of aſcertaining any of the particulars to be ſpecified under the three firſt heads of the malgoozarry part of the pergunnah regiſter, or the four firſt heads of the lakheraje part of the regiſter, as ſtated in the third and fourth clauſes of Section III of this regulation, the collectors are authorized to require the ſame from the proprietors, farmers, and undertenants of malgoozarry lands, or from the holders of lakheraje lands, in the ſame manner as they are authorized by the regulations above mentioned to require from ſuch perſons any information that may be neceſſary to enable them to form the regiſters therein preſcribed; and under the ſame penalties for non-compliance. But the collectors are not to require from the proprietors or farmers of malgoozarry lands, or from their undertenants, any papers or information reſpecting the meaſurement or rents of ſuch lands; nor from the holders of lakheraje lands any papers or information reſpecting the rents of lands of this deſcription for the purpoſe of entering the ſame in the pergunnah regiſter; it being intended only that the meaſurement and rents of malgoozarry lands, and the rents of lakheraje lands, ſhould be entered in the regiſter, when the ſame may be aſcertained by public meaſurements, khaus collections, attachments, or ſuch other occaſional means as may furniſh the neceſſary information for completing theſe ſubſidiary heads of the pergunnah regiſter, which are to be left blank until ſuch information may be obtained.

The collectors are not to require information reſpecting the rents or meaſurement of malgoozarry or the rents of lakheraje lands.

How ſuch information is to be procured.

VIII. The information required to be furniſhed for the regiſter of intermediate mutations in landed property and the regiſter of intermediate reſumptions or other occurrences reſpecting grants of exempted lands, will furniſh the collectors with the neceſſary materials

From what materials the intermediate regiſters are to be formed, and how any further information is to be procured.

materials for the intermediate pergunnah regiſter preſcribed by Section V; but if any further information ſhould be requiſite they are authorized to require the ſame under the proviſions and reſtrictions ſpecified in the preceding ſection.

What meaſures the collectors are to take to render their general regiſters complete.

IX. The general regiſter for the current year and ſubſequent intermediate regiſter, if duly kept up muſt furniſh the collectors with full materials for the quinquennial pergunnah regiſter to be prepared in the year 1212, and at every future period. They are alſo to be careful to avail themſelves of any occaſional means of authentic information from public meaſurements, attachments or otherwiſe, and it is expected that in the courſe of time their pergunnah regiſters will contain an accurate ſtatement of the lands and rents throughout their reſpective diſtricts. To promote the former object they are further directed to note the boundaries of villages, or other ſubdiviſions, whenever the ſame may be aſcertained; and alſo, as far as practicable, the limits of the pergunnahs (or other local diviſions where there may be no pergunnahs) within their reſpective collectorſhips. No change in the the exiſting limits of pergunnahs, or in the mehals compoſing them, is to be made by the collectors without the ſanction of the Governor General in Council; but if any collector ſhould judge it expedient to alter the exiſting boundaries of a pergunnah for the purpoſe of rendering it more compact, or otherwiſe, or to ſeparate any village, talook, or other mehal from the pergunnah to which it may be now attached, and annex it to any other pergunnah, he ſhall ſtate his reaſons at large for ſuch alterations to the board of revenue who will ſubmit the ſame to the Governor General in Council, with their opinion upon the expediency of the alterations propoſed, for his determination. Provided that whenever any ſuch pergunnah ſeparation or annexation may take place, it ſhall in no reſpect affect the rights of the proprietor or occupant of any village, talook, or other mehal included therein; and provided further that the above reſtriction againſt the alteration of exiſting pergunnahs without the ſanction of the Governor General in

No change in the exiſting limits of pergunnahs &c. to be made without the previous ſanction of Government.

The above rule not to preclude the collectors from reannexing mehals ſeparated ſince 1197.

in Council ſhall not be conſidered to preclude the collector from re-annexing to their proper pergunnah any mehals which may have been ſeparated therefrom by the landholders ſince the commencement of the Bengal, Fuſſily or Willaity year 1197, and formed into ſeparate turruffs or otherwiſe.

Copies of entries in the regiſters to be ſent by one collector to the other, in the caſe of lands ſeparated from one zillah and annexed to another.

X. Whenever any lands may be ordered to be ſeparated from one zillah and annexed to another, the collector of the zillah from which the ſeparation may be made, is to tranſmit to the collector of the zillah to which the annexation is to be made, an atteſted copy of all entries, relative to the lands transferred in the laſt formed quinquennial pergunnah regiſter, as well as any entries relative thereto in the ſubſequent intermediate regiſter, together with any other information that may have been obtained reſpecting ſuch lands. Theſe documents will enable the collector of the zillah to which the lands may be annexed, to make the neceſſary entry of them in his intermediate pergunnah regiſter, as well as in the new general regiſter that may be prepared by him.

Certain parts of Regulations XIX, XXXVII and XLVIII, of 1793, and XIX, XLI, and XLII, of 1795, reſpecting the ſpecification of names of villages or other ſubdiviſions reſcinded, and the names of pergunnahs and number of villages, &c. only to be inſerted in the regiſters in future.

XI. A reference to the pergunnah regiſter, when duly prepared according to the preceding ſections, will at all times enable the officers of government to aſcertain the ſeveral villages, portions of villages, or other ſubdiviſions of any eſtate included in the regiſter of eſtates paying revenue to government, or of any lakheraje tenure included in the regiſter of lands exempt from the payment of revenue, provided that each pergunnah (or other local diviſion where there may be no pergunnah) in which any part of ſuch eſtates or tenures may be ſituated, be ſpecified in the ſaid regiſters, with the number only of the villages, or other ſubdiviſions in each pergunnah. Such parts therefore of Regulations XIX, XXXVII, and XLVIII, 1793, and Regulations XIX, XLI, and XLII, 1795, as require a ſpecification of the names of villages or other ſubdiviſions in the regiſters thereby preſcribed, in addition to the names of the pergunnahs compriſing ſuch villages or other ſubdiviſions, are hereby reſcinded, and in the regiſters preſcribed by the above regulations to commence

mence with the current Bengal, Fuſſily and Willaity year 1207, as well as in all future regiſters, whether the general regiſter of eſtates paying revenue, or of lands exempt from revenue, directed to be prepared at the expiration of every five years, or the intermediate regiſters of mutations, reſumptions and other occurrences, it is required only to ſpecify the pergunnahs (or other local diviſions where there may be no pergunnahs) in which any part of the eſtates and tenures included in the regiſters may be ſituated, with the exact number of villages, or other ſubdiviſions appertaining to the eſtate or tenure, in each pergunnah regiſter. The collectors are enjoined to take the utmoſt care that the names of the pergunnahs (or other local diviſions where there may be no pergunnahs) as well as the number of villages or other ſubdiviſions ſtated to be in each, are exactly conformable to the pergunnah regiſter; and are to furniſh their native officers appointed to prepare the counterpart regiſters, with particular inſtructions for this purpoſe. The mode of correcting any miſtakes in regiſters preſcribed by the abovementioned regulations has been provided for in them; and if any ſhould occur in the pergunnah regiſter, they are to be rectified in the ſame manner, in the intermediate regiſter preſcribed by Section V, of this regulation.

Collectors to be careful that the names, &c. are conformable to the pergunnah regiſter.

How miſtakes in the pergunnah regiſters are to be rectified.

Further parts of the above regulations, reſpecting the inſertion of the meaſurement and rents of land, reſcinded.

XII. A reference to the pergunnah regiſter will alſo ſhew the meaſurement and rents of land whenever the ſame may have been aſcertained, and enable the collectors to furniſh this information to the board of revenue for public ſales of land, or otherwiſe, when required. It will therefore be no longer neceſſary to include either of theſe items, viz. the meaſurement, or rents of land, in the regiſters of eſtates, or of exempted lands, preſcribed by Regulations XIX, XXXVII, and XLVIII, 1793; or Regulations XIX, XLI, and XLII, 1795; and ſuch parts of thoſe regulations as require the ſame to be inſerted in the regiſters therein ſpecified, are hereby reſcinded.

Further explanation of what is

XIII. In Section II, Regulation XLVIII, 1793, and Regulation

lation XIX, 1795, prescribing a quinquennial register of estates paying revenue to government, it is explained, that "by the "term estate is to be understood any land being malgoozarry, or "subject to the payment of public revenue, for the discharge of "which a separate engagement has been, or may be, entered into with government." But as this definition, strictly construed, would exclude estates held khaus, in consequence of the proprietors having declined to engage for the public assessment thereupon, under the option given by the rules for the permanent settlement; as well as the estates of disqualified proprietors, which by those rules, and by Regulation X, 1793, were placed under the superintendence of the court of wards; as well as estates belonging to government for the revenue of which no engagement may have been taken; and it being intended that all lands paying revenue to government should be included in the registers of estates prescribed by Regulations XLVIII, 1793, and XIX, 1795, it is hereby further explained, that by the term estate therein used, is to be understood any land subject to the payment of revenue for which a separate engagement may have been executed to government by the proprietor or by a farmer; or which may have been separately assessed with the public revenue, although no engagement shall have been executed to government, as in cases where the estate may be held khaus by a sezawul or other officer on the part of government, or be managed by a serberakar for the benefit of a disqualified proprietor.

meant by the term "estate."

XIV. The "register of intermediate mutations in landed property" prescribed by Section XVI, Regulations XLVIII, 1793, and XIX, 1795, was intended to include all alterations in any of the entries in the quinquennial registers which might take place within the periods at which these registers are directed to be prepared: all alterations in the amount of the annual revenue assessed upon estates should therefore be stated in the registers of intermediate mutations; whether proceeding from an allotment of the fixed assessment upon portions of divided estates

All alterations in the annual revenue, with the particulars thereof, to be inserted in the register of intermediate mutations prescribed by Section XVI, Regulations XLVIII, 1793, and XIX, 1795.

in

in conformity to Section X, Regulation I, 1793, and Section VII, Regulation XXVII, 1795; or from an increase or decrease of the assessment upon any estate, as fixed at the period of the permanent settlement, or subsequently thereto. In all such cases the particulars of the allotment, increase, or decrease, are to be clearly stated in the register of intermediate mutations; and whenever an abatement of revenue may be inserted, the authority for such abatement is to be invariably quoted, with the date on which it may have been granted by the Governor General in Council, and communicated by the board of revenue.

Such parts of Regulations XIX, XXXVII, and XLVIII, of 1793, and XIX, XLI, and XLII, of 1795, as direct counterparts of the registers to be kept in the Bengal and Hindoostannee languages, and copies to be furnished to the courts of justice, rescinded; and

XV. Such parts of Regulations XIX, XXXVII, and XLVIII, 1793, and Regulations XIX, XLI, and XLII, 1795, as direct counterparts of the several registers therein specified to be kept in the Bengal and Hindoostannee languages, is hereby rescinded; and in future it is required only that an exact counterpart of the several English registers be kept in the Persian language, to be prepared and authenticated as directed in the regulations abovementioned. Such parts of those regulations as direct the collectors of the several zillahs to furnish copies of the prescribed registers to the judges of the dewanny adawluts of their respective zillahs, and to the provincial courts of appeal, in the jurisdiction of which their respective zillahs are included, or which require the board of revenue to furnish the sudder dewanny adawlut with a copy of the prescribed registers for each zillah, are likewise hereby rescinded; and instead thereof, the zillah and city courts of dewanny adawlut and provincial courts of appeal are authorized, whenever they may have occasion to refer to any of the registers prescribed by the above regulations or by the present regulation, to require from the collectors the production of the original register, or an attested copy of such part thereof as may contain the required information. The collectors, on the receipt of such requisition, are immediately to transmit the original register, if it can be sent without inconvenience, under the care of one of their native officers, in whose custody it is to remain till returned; or if the original register cannot

How the courts are to proceed whenever they have occasion to refer to any of the registers.

not be conveniently ſent, are to tranſmit without delay an accurate copy of ſuch part thereof as may be required, under the atteſtation of their official ſignature. In like manner the board of revenue, on the requiſition of the court of ſudder dewanny adawlut, are to furniſh any zillah regiſter received by them which may be required by that court; or a copy, atteſted by the ſignature of their ſecretary, or accountant, of any part thereof which may be required. In the event of any regiſter required by a court of juſtice not having been prepared, and the period fixed for its preparation having elapſed, the collector is to explain to the court the cauſe of ſuch regiſter not having been prepared, and the explanation ſo given is to be tranſmitted by the court receiving it to the Governor General in Council. Any perſon ſucceeding to the office of collector, or inveſted with the temporary charge of ſuch office, is alſo required, immediately on his taking charge, to aſcertain whether the preſcribed regiſters have been duly prepared; and if not, to report the ſame to the board of revenue, with any explanation he may have received of the omiſſion, for the information of the Governor General in Council.

Courts to report to government the explanations given by collectors for not having the regiſters completed within the preſcribed periods.

Collectors or acting collectors on taking charge, to aſcertain whether the regiſters have been duly prepared, and if not, to report the ſame to the board of revenue for the information of government.

XVI. The copies of the ſeveral regiſters which the collectors of Bengal, Behar and Oriſſa, by Section XXII, Regulation XIX, Section XXXVII, Regulation XXXVII; and Section XXVI, Regulation XLVIII, 1793; and the collector of Benares, by Section XXIV, Regulation XIX, Section XLII, Regulation XLI, and Section XXXVII, Regulation XLII, 1795, are required to furniſh to the board of revenue, ſhall be tranſmitted by the collectors at the periods therein ſpecified, in the Engliſh and Perſian languages, to the accountant of the board of revenue, who is to report to the board any inſtances of the preſcribed quarterly copies not having been received at the fixed periods; or of the quinquennial copies not having been received within the year at the commencement of which the quinquennial regiſters are directed to be prepared; and is to return to the collectors for correction any copies of regiſters received from them which may not have been prepared according to

The copies directed by the abovementioned regulations to be ſent to the board of revenue, ſhall be ſent to their accountant, who is to examine, and, in certain caſes, report thereon.

to the prescribed form. The accountant is also to compare the assessment stated in the registers of estates paying revenue, with the accounts of the permanent settlement deposited in his office, as well as with any accounts or information which may from time to time be communicated to him by the board of revenue of any authorized alterations in the assessment, whether from allotments of the fixed assessment upon divisions of estates, or from any increase or decrease of assessment from whatever cause; and the secretary to the board of revenue is to be careful that the accountant is regularly informed of all such alterations which may be authorized. When the collector may have omitted only to quote the authority for such alterations in his register of intermediate mutations, the copy of the register is to be returned to him by the accountant to supply the omission; but if in any case it shall appear to the accountant that the collector has stated any alteration in the assessment of an estate without due authority, he is to report the same to the board of revenue, with any explanation given by the collectors, for such orders as may be necessary; or for the determination of the Governor General in Council.

The board of revenue are to furnish the collectors with new forms for the registers adapted to the alterations now directed.

XVII. The board of revenue are to furnish the collectors with new forms for the several registers prescribed by Regulations XIX, XXXVII, and XLVIII, 1793, and Regulations XIX, XLI, and XLII, 1795, adapted to the alterations directed by the present regulation; and the collectors on receipt thereof are enjoined to prepare the quinquennial register of estates paying revenue, and periodical registers of lands held exempt from revenue, directed to be formed at the commencement of the current Bengal, Fussily, and Willaity year, with the least possible delay. They are also, without waiting for the completion of these general registers, to transmit to the accountant of the board of revenue as soon as possible, the quarterly entries in their registers of intermediate mutations and resumptions from the commencement of the current year; and are to be particularly careful that the same are regularly transmitted in future. The omission of the detail of villages, measurements, and

Collectors to be regular in the transmission of the required papers, and

rents

rents in the whole of these registers, and the discontinuance of the counterparts in the Hindoostannee and Bengal languages will, it is expected, enable them to keep the several registers hereafter with the utmost punctuality, and to promote this material object, a sufficient number of officers shall be appointed to assist the native record keepers appointed under Regulation XXI, 1793, in keeping the pergunnah register prescribed by the present regulation; as well as the Persian counterparts of the registers of estates paying revenue, and lands exempted from the payment of revenue, prescribed by the regulations abovementioned; and in preparing the copies of these counterpart registers directed to be transmitted to the accountant of the board of revenue. Such officers shall as far as possible be selected from the pergunnah mohurrers employed under the late canongoes, and shall be immediately proposed by the collectors to the board of revenue, with a statement of the allowances deemed necessary for them, in addition to any sums now received by them from Government under Section XXXIV, Regulation VIII, 1793, and Regulation XXIV, 1793, therein referred to. The collectors are at the same time to report to the board of revenue what parts of their present establishments can be appropriated to the payment of such allowances, and whether they would recommend any of the native officers now acting under them to be employed as proposed. They are also to report whether any and what number of native writers will be required to keep up the English registers of estates paying revenue, and lands exempted from payment of revenue, in addition to their assistants, who are to be employed upon this duty as far as their other business will permit; and it is expected that the collectors themselves will give constant attention to the English registers, for all entries in which they are declared responsible; particularly to the registers of intermediate mutations, resumptions, and other occurrences, in which the utmost accuracy is essentially necessary, and the transactions entered in which being occasional only, the entries can be easily made by the collectors themselves in the original registers.

to propose officers to assist in the preparation of them, with

a statement of the allowances deemed necessary for them.

The collectors are to report what parts of their present establishments may be appropriated to paying such allowances, and

what additional native writers will be necessary for the English registers.

XVIII.

Board of revenue to submit the necessary establishments to government.

XVIII. On receipt of the reports required from the collectors by the preceding section, the board of revenue are to submit to the Governor General in Council the necessary establishments of native officers for keeping up the several registers prescribed; and if any additions to the present establishments should appear to them indispensibly necessary for the purpose, they are to state the same to the Governor General in Council for his determination. The officers so appointed, or who may be hereafter appointed for the purposes specified in the preceding section, shall not be removeable, without proof of misconduct to the satisfaction of the Governor General in Council. They are to be exclusively employed in preparing and copying the prescribed registers, whilst any part of these shall be in arrear; and after completing the register directed to be prepared for the current year, are, with the least possible delay, to complete the registers in arrear for former years; but the preparation of the current year's registers is not to be delayed for those of former years, unless the collectors shall judge it advisable in any instance, from the forward state of their registers for past years, or otherwise; in which case they are to report the same to the board of revenue, and to be guided by their instructions.

Rules respecting the removal of officers appointed for this duty, and how they are to be employed.

Collectors to ascertain whether the publications directed in Section XXV, Regulation XIX, and Section XX, Regulation XXXVII, of 1793, and similar sections of Regulations XLI and XLII, of 1795, have been made, and if not, to cause them to be made allowing one year from the publication for the prescribed registry, after which all unregistered land held exempt from revenue shall be assessed as prescribed in those regulations.

XIX. By Section XXVI, Regulation XIX, 1793, Section XXI, Regulation XXXVII, 1793, and the corresponding Sections in Regulations XLI, and XLII, 1795, all lands held exempt from the payment of revenue, which the holders may have omitted to register by the time prescribed in the publication therein referred to, are become subject to the payment of revenue, unless sufficient cause be shewn to the satisfaction of the Governor General in Council for their not having been registered within the limited period. It appearing however that the publications directed in Section XXV, Regulation XIX, 1793; Section XX, Regulation XXXVII, 1793, and the corresponding sections in Regulations XLI, and XLII, 1795, have not in every instance been made as therein directed, (viz. the publication respecting lands held under

Badshahy

Badſhahy grants, in the principal cutcherry of the holders of ſuch grants; and reſpecting other exempted lands, in the principal cutcherry of every proprietor and farmer of land paying revenue to Government; and of every native collector, in lands held khaus by Government; or when the eſtate, farm or khaus land may conſiſt of two or more whole pergunnahs, or portions of pergunnahs, in the principal cutcherry of each pergunnah or portion of a pergunnah compriſed in ſuch eſtate, farm, or khaus land; ) the collectors are hereby further directed immediately on the receipt of this regulation, to aſcertain whether the publications above ſpecified have been duly made as preſcribed, throughout their reſpective collectorſhips; and, if not, they are to cauſe the ſame to be made without delay, in the manner preſcribed, as well as in their own cutcherries, and in the cutcherries of the dewanny courts ſituated within their reſpective zillahs; allowing the further period of one year from the date of ſuch publications, for the regiſtry of the lands therein ſpecified. After the expiration of ſuch period any unregiſtered land found to be held exempt from the payment of revenue is to be aſſeſſed, under the proviſions contained in the above regulations, whenever the ſame may be diſcovered; and the collectors are to enter lands ſo aſſeſſed (together with all other lakheraje lands which may be brought upon the public aſſeſſment,) in their ſucceeding quinquennial regiſter of eſtates paying revenue, as well as in their regiſter of intermediate mutations.

Notice to be given to the collectors of the eſtabliſhment of new villages under certain penalties.

XX. Whenever any new village may be eſtabliſhed upon lands paying revenue to Government, the name of which ſhall not have been included in the liſt of villages delivered to the collectors for the purpoſe of preparing the preſcribed regiſters of theſe lands, the proprietor of the eſtate in which ſuch new village may be ſituated, or the farmer, if the eſtate be let in farm by Government, or the ſerberakar, or khaus-officer, who may have the management of the eſtate, if it be a ſerberakarry or khaus mehal, is to give notice to the collector immediately on the eſtabliſhment of ſuch new village, that the ſame may be entered in the public regiſters. In de-

fault

fault thereof, or in the event of its appearing that any village or other portion of an eſtate ſubject to the payment of revenue has been wilfully omitted in the village ſtatements which the collectors are authoriſed to require for the purpoſe of preparing the public regiſters, the village, or other portion of an eſtate ſo wilfully omitted ſhall be liable to forfeiture to Government if the ſtatement which ought to have contained it, ſhall have been furniſhed by the proprietor; or if furniſhed by a farmer, ſerberakar, ſezawul, or other officer, the perſon who may have furniſhed the ſame ſhall be liable to a fine to Government, in ſuch amount as the Governor General in Council on conſideration of the circumſtances of the caſe may think proper to impoſe. The collectors are to report all caſes of this nature to the board of revenue; who are to ſubmit the ſame, with their ſentiments, for the determination of the Governor General in Council.

Notice to be given to the collector by all perſons ſucceeding to landed property by inheritance or otherwiſe.

XXI. That the collectors may be regularly informed of all future changes in the property of malgoozarry eſtates, or lakheraje tenures, within their reſpective zillahs, for the purpoſe of entering the ſame in the preſcribed regiſters, all perſons ſucceeding to the property of any malgoozarry eſtate, or lakheraje tenure, whether by inheritance, purchaſe, gift or otherwiſe, are required to notify ſuch ſucceſſion, immediately after the ſame may have taken place, to the collector of the zillah in which the eſtate, or tenure ſucceeded to may be ſituated; and to furniſh ſuch information as may be neceſſary to enable the collector to make the preſcribed entries in the public regiſters. The collectors on receiving the notification, are to make ſuch enquiry as may appear neceſſary to aſcertain the truth of the alleged ſucceſſion to, or transfer of the property, and if the ſame ſhall appear to have taken place, are to make the requiſite entries in the intermediate pergunnah regiſter, in the intermediate regiſter of mutations in lands paying revenue, and the intermediate regiſter of occurrences reſpecting lands held exempt from the payment of revenue; provided, with regard to all ſuch entries, that they ſhall not in any degree affect the rights of any party whoſe name

Collector to enquire into the truth of ſuch allegation.

may

may be regiſtered therein as the oſtenſible proprietor of the land, or whoſe name may not have been regiſtered as the proprietor, but who may eſtabliſh a right of property in the dewanny adawlut, or otherwiſe. Any perſon ſucceeding to the property of a malgoozarry eſtate, or lakheraje tenure, who may not give the notification above required to the collector; or any perſon who may wilfully miſrepreſent to the collector his having ſucceeded to the property of an eſtate or tenure, to which, on enquiry, it may appear he has not ſucceeded, ſhall, for ſuch omiſſion or miſrepreſentation, be liable to a fine to Government, to be fixed by the Governor General in Council on a report from the collector, through the board of revenue, of the nature and circumſtances of the caſe. When the perſon ſucceeding to the eſtate or tenure may be a minor, or otherwiſe diſqualified from giving himſelf the notice required, his guardian, or whoever may act for him in the management of the eſtate or tenure ſucceeded to, is to give the information required, under the preſcribed penalty.

Penalty for neglect of giving ſuch notice or wilful miſrepreſentation in giving it.

XXII. The office of canongo, ſudder and moſuſſil, having been aboliſhed, the records of the late canongo officers employed in the ſeveral zillahs are to be immediately delivered over to the collectors, who are hereby authorized to require the ſame; and, if neceſſary, to proceed for the recovery of them in the mode preſcribed by Section XVI, Regulation III, 1794. The board of revenue are alſo to require from the late ſudder canongoes, and their naibs, the whole of the records kept in their reſpective offices; and after cauſing a liſt thereof to be taken, are to ſubmit the ſame to the Governor General in Council, with their ſentiments in what manner ſuch records ſhould be diſpoſed of for the public ſervice. The ſeveral collectors are likewiſe to furniſh the board of revenue with a liſt of the records which may be delivered over to them under this ſection, and are to be careful that ſuch records are preſerved.

The records of the late moſuſſil canongoes to be delivered to the collectors; and

Thoſe of the ſudder canongoes and their naibs to the board of revenue who are to report on the beſt mode of diſpoſing of them.

# A. D. 1800. REGULATION IX.

A REGULATION *for the foundation of a College at Fort William in Bengal, and for the better instruction of the Junior Civil Servants of the Honorable the English East India Company in the important duties belonging to the several arduous stations to which the said Junior Civil Servants may be respectively destined in the Administration of Justice, and in the general Government of the British Empire in India.*—PASSED *by the Governor General in Council, on the* 10*th July* 1800; *corresponding with the* 28*th Assar* 1207 *Bengal era; the* 4*th Sawun* 1207 *Fussily; the* 28*th Assar* 1207 *Willaity; the* 4*th Sawun* 1857 *Sumbut; and the* 17*th Suffer* 1215 *Higeree;*—But by His Lordship's special order bearing date on the 4th May 1800, being the first anniversary of the glorious and decisive victory obtained by the British arms at Seringapatam, the Capital of the Kingdom of Mysoor.

WHEREAS it hath pleased the Divine Providence to favor the councils and arms of Great Britain in India with Preamble.

a

a continued course of prosperity and glory; and whereas by the victorious issue of several successive wars, and by the happy result of a just, wise, and moderate system of policy, extensive territories in Hindostan, and in the Decan, have been subjected to the dominion of Great Britain, and under the Government of the Honorable the English East India Company, in process of time a great and powerful empire has been founded, comprehending many populous and opulent provinces, and various nations, differing in religious persuasions, in language, manners and habits, and respectively accustomed to be governed according to peculiar usages, doctrines, and laws; and whereas the sacred duty, true interest, honor, and policy of the British nation require, that effectual provision should be made at all times for the good government of the British empire in India, and for the prosperity and happiness of the people inhabiting the same; and many wise and salutary regulations have accordingly been enacted from time to time by the Governor General in Council with the benevolent intent and purpose of administering to the said people their own laws, usages, and customs, in the mild and benignant spirit of the British constitution; and whereas it is indispensibly necessary with a view to secure the due execution and administration of the said wise, salutary, and benevolent regulations in all time to come, as well as of such regulations and laws as may hereafter be enacted by the Governor General in Council, that the civil servants of the Honorable the English East India Company exercising high and important functions in the Government of India, should be properly qualified to discharge the arduous duties of their respective offices, and stations; should be sufficiently instructed in the general principles of literature, and science; and should possess a competent knowledge as well of the laws, government, and constitution of Great Britain, as of the several native languages of Hindostan, and the Decan, and of the laws, usages, and customs of the provinces which the said civil servants respectively may be appointed to govern; and whereas the early interruption in Europe of the education and studies of the persons destined for the civil service of the Honorable

rable the Engliſh Eaſt India Company precludes them from acquiring previouſly to their arrival in India, a ſufficient foundation in the general principles of literature and ſcience, or a competent knowledge of the laws, government, and conſtitution of Great Britain; and many qualifications eſſential to the proper diſcharge of the arduous and important duties of the civil ſervice in India, cannot be fully attained otherwiſe than by a regular courſe of education and ſtudy in India, conducted under the ſuperintendance, direction, and control of the ſupreme authority of the government of theſe poſſeſſions; and whereas no public inſtitution now exiſts in India, under which the junior ſervants appointed at an early period of life to the civil ſervice of the Honorable the Engliſh Eaſt India Company, can attain the neceſſary means of qualifying themſelves for the high and arduous truſts to which they are reſpectively deſtined; and no ſyſtem of diſcipline or education has been eſtabliſhed in India for the purpoſe of directing and regulating the ſtudies of the ſaid junior ſervants, or of guiding their conduct upon their firſt arrival in India, or of forming, improving, or preſerving their morals, or of encouraging them to maintain the honor of the Britiſh name in India by a regular and orderly courſe of induſtry, prudence, integrity, and religion; THE MOST NOBLE RICHARD MARQUIS WELLESLEY, Knight of the Illuſtrious Order of Saint Patrick, &c. &c. Governor General in Council, deeming the eſtabliſhment of ſuch an inſtitution, and ſyſtem of diſcipline, education, and ſtudy, to be requiſite for the good government and ſtability of the Britiſh empire in India, and for the maintenance of the intereſts and honor of the Honorable the Engliſh Eaſt India Company, His Lordſhip in Council hath therefore enacted as follows.

II. A college is hereby founded at Fort William in Bengal for the better inſtruction of the junior civil ſervants of the Company, in ſuch branches of literature, ſcience, and knowledge, as may be deemed neceſſary to qualify them for the diſcharge of the duties

A college founded at Fort William for the inſtruction of the junior civil ſervants of the Company.

duties of the different offices conſtituted for the adminiſtration of the government of the Britiſh poſſeſſions in the Eaſt Indies.

A building to be erected for the college.

III. A ſuitable building ſhall be erected for the college, containing apartments for the ſuperior officers, for the ſtudents, for a library, and for ſuch other purpoſes as may be found neceſſary.

The Governor General to be the Patron and Viſitor.

IV. The Governor General ſhall be the Patron and Viſitor of the College.

The Members of the Supreme Council and the Judges of the Sudder Dewanny Adawlut, and the Nizamut Adawlut, to be Governors.

V. The Members of the Supreme Council, and the Judges of the Sudder Dewanny Adawlut and of the Nizamut Adawlut, ſhall be the Governors of the College

The Governor General in Council to be Truſtee for the management of the funds of the College.

VI. The Governor General in Council ſhall be Truſtee for the management of the funds of the College, and ſhall regularly ſubmit his proceedings in that capacity to the Honorable the Court of Directors.

The comptrolling committee of treaſury to be treaſurers.

VII. The Comptrolling Committee of Treaſury, ſhall be Treaſurers of the College.

Accountant General, and Civil Auditor, to be accountant and auditor

VIII. The Accountant General, and the Civil Auditor, ſhall be reſpectively accountant, and auditor of accounts, of the College.

The Advocate General and the ſtanding Counsel to be the law officers.

IX. The Advocate General and the Honorable Company's ſtanding Counsel, ſhall be the law officers of the College.

The immediate government of the college veſted in a Provoſt and other officers. Officers to be appointed and removed at the diſcretion of the Patron.

X. The immediate government of the College ſhall be veſted in a Provoſt and Vice Provoſt, and ſuch other officers, as the Patron and Viſitor ſhall think proper to appoint, with ſuch ſalaries as he ſhall deem expedient. The Provoſt, Vice Provoſt, and all other officers of the College, ſhall be removable at the diſcretion of the Patron and Viſitor.

XI. The Provoſt ſhall always be a clergyman of the church of England, as eſtabliſhed by law.

The Provoſt to be a clergyman of the church of England.

XII. Every proceeding and act of the Patron and Viſitor ſhall be ſubmitted to the Honorable the Court of Directors, and ſhall be ſubjected to their pleaſure.

Acts of the Patron to be ſubject to the pleaſure of the Court of Directors.

XIII. The primary duties of the Provoſt ſhall be to receive the junior civil ſervants on their firſt arrival at Fort William; to ſuperintend and regulate their general morals and conduct; to aſſiſt them with his advice and admonition; and to inſtruct and confirm them in the principles of the Chriſtian Religion, according to the doctrine, diſcipline, and rites of the church of England, as eſtabliſhed by law.

Primary duties of the Provoſt.

XIV. The Patron and Viſitor ſhall eſtabliſh ſuch Profeſſorſhips, with ſuch endowments as ſhall be judged proper.

The Patron empowered to eſtabliſh and endow Profeſſorſhips.

XV. Profeſſorſhips ſhall be eſtabliſhed as ſoon as may be practicable, and regular courſes of lectures commenced, on the following branches of literature, ſcience, and knowledge,

Profeſſorſhips to be eſtabliſhed.

Arabic,
Perſian,
Shanſcrit,
Hindooſtanee,
Bengal,
Telinga,
Mahratta,
Tamul,
Canara,
} Languages,

Mahomedan law,
Hindoo law,
Ethics, civil juriſprudence, and the law of nations.
Engliſh law.
The Regulations and Laws enacted by the Governor General

neral in Council, or by the Governors in Council at Fort St. George and Bombay respectively, for the civil government of the British territories in India.

Political œconomy, and particularly the commercial institutions, and interests of the East India Company.

Geography and mathematics.

Modern languages of Europe.

Greek, Latin, and English classics.

General history, ancient and modern.

The history and antiquities of Hindoostan and the Decan.

Natural history.

Botany, chemistry, and astronomy.

Patron may unite or separate any of the Professorships, or found additional Professorships.

XVI. The Patron and Visitor may authorize the same Professor to read lectures on more than one of the enumerated branches of study, and may at any time unite, or separate any of the said Professorships, or may found additional Professorships in such other branches of study as may appear necessary.

Provost, Vice Provost and Professors, to be entitled to pensions, under certain conditions.

XVII. The Provost and Vice Provost, after having remained in the government of the college for the complete period of seven years, and any Professor after having read lectures in the college for the complete period of seven years, or of twenty-eight terms, and after having respectively received under the hand and seal of the Patron and Visitor a testimonial of good conduct during that period of time, shall be entitled to an annual pension for life, to be paid either in Europe or in India, according to the option of the party. The pension shall in no case be less than one-third of the annual salary received by such Provost, or Vice Provost respectively, during his continuance in the government of the college, or by any such Professor, during the period of his regular lectures. The pension may in any case be increased at the discretion of the Patron and Visitor.

XVIII.

XVIII. All the civil servants of the Company who may be hereafter appointed on the establishment of the Presidency of Bengal, shall be attached to the college for the first three years after their arrival in Bengal, and during that period of time, the prescribed studies in the college shall constitute their sole public duty.

All civil servants on the establishment of the presidency of Bengal to be attached to the college for the first three years after their arrival.

XIX. All the civil servants now on the establishment of the Presidency of Bengal, whose residence in Bengal shall not have exceeded the term of three years, shall be immediately attached to the college for the term of three years from the date of this regulation.

Civil servants who have not resided three years in Bengal, to be attached to the college for three years from the date of this regulation.

XX. Any of the junior civil servants of the Company in India, whether belonging to the establishment of this Presidency, or to that of Fort St. George, or of Bombay, may be admitted to the benefits of the institution, by order of the Governor General in Council, for such term, and under such regulations, as may be deemed advisable.

Any of the junior civil servants in India may be admitted into the college by order of the Governor General in Council.

XXI. Any of the junior military servants of the Company in India, whether belonging to the establishment of this Presidency, or to that of Fort St. George, or of Bombay, may be admitted to the benefits of the institution, by order of the Governor General in Council, for such term, and under such regulations, as may be deemed advisable.

Any of the junior military servants in India may be admitted into the college by order of the Governor General in Council.

XXII. In the college at Fort William, four terms shall be observed in each year; the duration of each term shall be two months. Four vacations shall also be established in each year; the duration of each vacation shall be one month.

Four terms annually and four vacations.

XXIII. Two public examinations shall be holden annually, and prizes and honorary rewards shall be publicly distributed by the Provost, in the presence of the Patron and Governors, to such students as shall appear to merit them.

Two public examinations to be holden annually, and honorary rewards to be publicly distributed.

XXIV.

Degrees to be eſtabliſhed and rendered requiſite qualifications for certain offices; promotion in the civil ſervice to be the reſult of merit.

XXIV. Degrees ſhall be eſtabliſhed, and ſhall be rendered requiſite qualifications for certain offices in the civil governments of Bengal, Fort St. George, and Bombay; and promotion in the civil ſervice ſhall be the neceſſary reſult of merit publicly approved, according to the diſcipline and inſtitutions of the college.

Statutes how to be framed; to be ſanctioned by the Patron, and printed.

XXV. Statutes ſhall be framed by the Provoſt of the College under the ſuperintendence of the Governors of the College, reſpecting the internal regulation, diſcipline, and government of the College; but no ſtatute ſhall be enforced until it ſhall have been ſanctioned by the Patron and Viſitor. The ſtatutes ſo ſanctioned ſhall be printed according to a form to be preſcribed by the Patron and Viſitor.

The Patron empowered to amend, abrogate or enact ſtatutes.

XXVI. The Patron and Viſitor ſhall be empowered at all times of his ſole and excluſive authority, to amend or abrogate any exiſting ſtatute, or to enact any new ſtatute for the regulation, diſcipline, and government of the College.

Statement of ſalaries, appointments, &c. to be ſubmitted at the end of each term to the Governor General in Council, and to be by him tranſmitted to the Court of Directors, with printed copies of all ſtatutes.

XXVII. A regular ſtatement of all ſalaries, appointments, or removals of the officers of the College, ſhall be ſubmitted by the Patron and Viſitor of the College at the expiration of each term, to the Governor General in Council, and by the Governor General in Council to the Honorable the Court of Directors; Printed copies of all ſtatutes enacted by the Patron and Viſitor ſhall alſo be ſubmitted to the Governor General in Council, and to the Honorable the Court of Directors, at the ſame periods of time, and in the ſame manner.

# A. D. 1800. REGULATION X.

A REGULATION *for preventing the division of landed estates, in the jungle mehals of the zillah of Midnapore and other districts.*—PASSED *by the Governor General in Council, on the* 11*th December* 1800; *corresponding with the* 28*th Aughon* 1207 *Bengal era; the* 12*th Poose* 1208 *Fussily; the* 28*th Aughon* 1208 *Willaity; the* 10*th Poose* 1857 *Sumbut; and the* 23*d Rajeeb* 1215 *Higeree.*

BY Regulation XI, 1793, the estates of proprietors of land, dying intestate, are declared liable to be divided among the heirs of the deceased agreeably to the Hindoo or Mahomedan laws. A custom however having been found to prevail in the jungle mehals of Midnapore and other districts, by which the succession to landed estates invariably devolves to a single heir without the division of the property, and this custom having been long established, and being founded in certain circumstances of local

local convenience which ſtill exiſt; the Governor General in Council has enacted the following rule, to be in force in the provinces of Bengal, Behar and Oriſſa, from the date of its promulgation.

Regulation XI, 1793, not to operate in the jungle mehels of Midnapore and other diſtricts.

II. Regulation XI, 1793, ſhall not be conſidered to ſuperſede or affect any eſtabliſhed uſage, which may have obtained in the jungle mehals of Midnapore and other diſtricts, by which the ſucceſſion to landed eſtates, the proprietor of which may die inteſtate, has hitherto been conſidered to devolve to a ſingle heir to the excluſion of the other heirs of the deceaſed. In the mehals in queſtion the local cuſtom of the country ſhall be continued in full force as heretofore, and the courts of juſtice be guided by it in the deciſion of all claims which may come before them to the inheritance of landed property ſituated in thoſe mehals.

# A. D. 1800. REGULATION XI.

A REGULATION *for levying an additional duty of one per cent on the imports into, and exports from, the port of Calcutta, with certain exceptions; and for abolishing the duty of one per cent established by Regulation* I, 1797. *Also for establishing sundry rules for the better regulation and collection of the Calcutta customs; and for enacting into a regulation certain orders of government respecting those customs which have been passed subsequently to the date of Regulation* XXXIX, 1795.—PASSED *by the Governor General in Council, on the* 18*th December* 1800; *corresponding with the* 5*th Poose* 1207 *Bengal era; the* 17*th Poose* 1208 *Fussily; the* 5*th Poose* 1208 *Willaity*; *the* 17*th Poose* 1857 *Sumbut; and the* 1*st Shabaan* 1215 *Higeree.*

THE Honorable Court of Directors in a letter to the Governor General in Council, under date the 8th August 1798, having directed that an additional duty of one per cent be levied on the trade of India at their several presidencies, and it being deemed expedient to discontinue the duty of one per cent at present

present levied under Regulation I, 1797, on all imports into and exports from the port of Calcutta, the following rules have been enacted for this purpose. Under the rules established for the collection of the Calcutta customs by Regulation XXXIX, 1795, goods exported by sea direct from Calcutta upon foreign vessels were subject to duty in common with goods exported on British vessels; but no provision was made for collecting the Government customs on the imports into or exports from the Company's provinces by way of the foreign settlements, the Governor General in Council reserving for future determination the arrangements necessary for this purpose, as stated in the preamble to that regulation. It having been found however that large quantities of goods were exported by the channel of those settlements to the great diminution of the public revenue, it was deemed expedient on the 16th July 1798, to pass a resolution subjecting all goods going to those settlements from Calcutta to the export duty, in like manner as if exported by sea direct from Calcutta. For the encouragement of ship-building in the port of Calcutta, it has been deemed expedient to exempt timber from duty on importation. As precious stones, from their small bulk, are capable of being easily secreted, any attempt to levy a duty on them is liable always to be evaded, and must generally be ineffectual; consequently their being subjected to duty would tend to keep Government in ignorance of the commerce in those articles, at the same time that it subjects individuals to a vexatious search, without answering any useful purpose. It has therefore been deemed expedient to exempt precious stones from duty, as well on importation as exportation. In order to afford encouragement to the importation of horses of a superior breed, it has been judged expedient to exempt from duty horses imported by sea. Inconveniencies having arisen from the operation in certain cases of Clause Fifth, of Section IV, and Clause Fourth, of Section V, Regulation XXXIX, 1795; and there being reason to presume that the rules for ascertaining the value of import goods laid down in that regulation are not sufficient to prevent impositions;

and

and the Governor General in Council having further thought it expedient to modify certain other parts of that regulation, and to frame ſundry additional rules for the better management of the Calcutta cuſtoms; and having alſo on the 10th October 1796, paſſed a reſolution for levying duties on the importation and exportation of goods on American veſſels, in conformity to the 13th article of the treaty of amity, commerce and navigation, between his Majeſty and the United States of America, bearing date the 19th November 1794, the following rules are enacted, to be conſidered in force from the date on which they were ſeverally promulgated.

II. *Firſt.* Such part of Regulation I, 1797, as directs a duty of one per cent to be levied on the import and export trade of Calcutta, to defray the expenſe of an armed veſſel for the protection of the commerce of that port, is hereby reſcinded from the publication of this regulation.

The one per cent duty eſtabliſhed by Regulation I, 1797, abolished.

*Second.* The duty levied under Sections V, and XVII, Regulation XXXIX, 1795, at the rate of two and a half per cent on all goods and merchandiſe ſubject to duty under that regulation, and not exempted from it by any reſolution of the Governor General in Council paſſed ſubſequently to the date of that regulation, ſhall in future be levied at the rate of three and a half per cent.

The duty on goods heretofore ſubject to the two and a half per cent duty, raiſed to three and a half per cent.

*Third.* Goods which by Regulation XXXIX, 1795, or by any reſolution of the Governor General in Council paſſed ſubſequently thereto were exempt from the two and a half per cent duty, ſhall, in like manner, be exempt from the three and a half per cent duty.

Goods heretofore exempt from the two and a half per cent duty, are exempt from the three and a half per cent duty.

*Fourth.* In future credit will not be allowed for the import duty, except upon a depoſit of goods or of government ſecurities: if the duty ſhould not be paid within fifteen days, or within ſuch further time (not exceeding twenty-five days in any caſe) as to the

No credit to be allowed for the import duty, except upon a depoſit of goods or of government ſecurities.

the collector may appear reasonable, the deposit shall become forfeited to the Company.

What commission the collector may levy in future.

*Fifth.* The commission of five per cent, which the collector of the Calcutta customs was by Regulation XXXIX, 1795, authorized to levy for his own benefit from the merchants, upon the amount of the two and a half per cent duty collected on the goods which paid that duty, and by a resolution of the Governor General in Council since the passing of that regulation, on the computed amount of it on the goods (with certain exceptions) which were exempt from it, shall no longer be taken. In future the collector is authorized to levy a commission of four per cent upon the amount of the three and a half per cent duty collected on the goods which pay that duty, and also upon the computed amount of the same duty, on the goods which are exempt from it, money, bullion and grain excepted, upon which articles commission shall not be levied. The amount of the commission shall be divided between the collector and his deputy, in the following proportions:

Nine tenth parts to the collector.

One tenth part to the deputy collector.

Modification of rule in Section IV, Regulation XXXIX, 1795, respecting goods not manifested.

III. *First.* That part of Clause Fifth, of Section IV, Regulation XXXIX, 1795, which declares that "should any goods not "included in the manifest be landed, or attempted to be landed, "they shall be liable to confiscation," is hereby modified as follows.

Penalty in future for not manifesting goods.

*Second.* Should any master or supercargo of a vessel fail to deliver a full and true manifest of all the goods imported on his vessel, (which manifest must exhibit as well the goods laden on account of the master, or supercargo, or owner of the vessel, as the goods laden on freight) upon the same being proved to the satisfaction of the board of trade, to whom the collector of the customs shall in every instance report the case, the goods not manifested, if laden on account of the master, or supercargo, or owner, shall be

subject

ſubject to confiſcation. If laden on freight, the maſter, or ſupercargo, ſhall be liable to a penalty, not exceeding the value of them. The penalty ſhall be payable immediately, whenever the maſter or ſupercargo may be adjudged liable to it by the board of trade.

*Third.* Should the maſter or ſupercargo refuſe to pay the penalty, the board of trade are authorized to prohibit any goods remaining on board of the veſſel from being landed, and further, to refuſe a pilot and port-clearance to the veſſel until the penalty be paid.

Caſe of a refuſal to pay the penalty.

*Fourth.* Provided, that in the caſe of the Company's ſhips, the commanders are not required to inſert in their manifeſts either the goods laden on account of the Company, or the goods laden on the privilege of their officers; but the officers muſt ſeverally deliver manifeſts of their own goods. In the event of any officer of a Company's ſhip omitting to manifeſt any of the goods imported on his privilege, ſuch goods ſhall be liable to confiſcation.

Exception to goods laden on a Company's ſhip.

*Fifth.* The value of the goods which may be confiſcated, and the amount of the penalties which may be levied under the foregoing rule, ſhall be divided as follows:

One fifth part between the collector of the cuſtoms and his deputy, in the proportions of two thirds to the former, and one third to the latter.

Two fifth parts to the perſon on whoſe information the omiſſion in the manifeſt may have been detected.

Two fifth parts to the Company.

Confiſcations and penalties how to be appropriated.

*Sixth.* Ships importing in ballaſt muſt be reported accordingly by the maſter.

Ships importing in ballaſt to be reported ſo.

IV. *Firſt.* Whereas by Clauſe Fourth, of Section IV, and Clauſe Fourth, of Section V, Regulation XXXIX, 1795, the maſters or ſupercargoes of ſhips are required to make oath to the prime

The oath required by Sections IV, and V, Regulation XXXIX, 1795, to be taken to

the prime cost of goods dispensed with.

prime cost of the goods imported in their ships, such oath is hereby dispensed with in future, and the following rules for determining the value of goods are enacted in lieu thereof.

Invoices or bills of goods imported to be produced to the collector.

*Second.* The original invoices or bills of all goods imported into Calcutta by sea, or from the foreign settlements, shall be produced to the collector of the customs; and the proper per centage (according to the existing rules) being added to the amount of the invoice or bills, the duty shall be settled upon the aggregate.

How the collector is to proceed if invoices or bills be not produced, or if the collector should suspect that those produced do not shew the true prime cost.

*Third.* If the original invoices or bills shall not be produced to the collector, or if he shall see cause to suspect that the invoices or bills produced do not shew the true prime cost of the goods, in either case, the collector is hereby empowered to estimate a value for the goods, according to the best judgment which he can form of their probable prime cost. Upon such estimated value, after adding the usual per centage, the duty shall be settled, and, in addition thereto, a penalty, equal to one half both of the duty and of the commission, shall be levied, as a punishment for withholding the invoices or bills, or for the attempt at imposition.

Penalty.

Penalty how to be disposed of.

*Fourth.* The additional half duty shall be carried to the Company's account; and the additional half commission shall be divided between the collector and his deputy, in the proportions prescribed with respect to the ordinary commission.

Cases under Clause Third, to be reported to the board of trade.

*Fifth.* In every instance, however, in which either of the cases stated in Clause Third, may occur, the collector, previously to levying the duty, shall report the circumstances to the board of trade for their final determination.

New form of the affidavit to be annexed to manifests.

*Sixth.* The form of affidavit prescribed by Clause Fourth, of Section IV, Regulation XXXIX, 1795, shall be discontinued, and in future the following form shall be used :—

"A. B.

"A. B. (commander or ſupercargo) of the ſhip C. maketh oath and faith, that the annexed manifeſt contains, to the beſt of his knowledge and belief, a true and juſt account of all goods and merchandize imported on the ſaid ſhip C. at the port of Calcutta."

*Seventh.* That part of Clauſe Twelfth, of Section V, Regulation XXXIX, 1795, which requires that the account ſales of the cargoes of Macao ſhips be delivered upon oath, is hereby repealed. If, however, the collector of the cuſtoms ſhall ſee reaſon to ſuſpect that any account ſale does not exhibit a true ſtatement of the ſales, the duty ſhall be ſettled in the manner at preſent preſcribed in the caſe of a refuſal to authenticate the account by affidavit.

Rule in Section V, Regulation XXXIX, 1795, for ſettling the duty on the cargoes of Macao ſhips modified.

*Eighth.* The duty on Batavia arrack ſhall continue to be ſettled in the manner preſcribed by Clauſe Fourteenth, of the ſection and regulation abovementioned.

The duty on Batavia arrack to be ſettled as before.

V. *Firſt.* In future the duty on indigo ſhall be ſettled in the following manner.

The duty on indigo how to be ſettled.

*Second.* The export duty upon indigo the produce of the Company's territories or imported from the weſtern provinces ſhall be ſettled on a fixed valuation of one hundred ſicca rupees per factory maund.

On indigo the produce of the Company's territories, or imported from the weſtern provinces.

*Third.* The import duty upon indigo imported from Manilla ſhall be rated upon a valuation to be fixed by the collector of the cuſtoms, according to the beſt information that he can procure of the value of that ſort of indigo at the time of importation.

On Manilla indigo.

*Fourth.* Indigo ſhall continue exempt from duty on exportation in the caſes ſpecified in Clauſes Firſt and Third, of Section XVII, Regulation XXXIX, 1795.

Indigo exempt from duty in the ſame caſes as before.

VI. Goods trans-ſhipped without permiſſion firſt obtained from

Penalty for trans ſhipping

goods without permiſſion, or for ſhipping goods on a veſſel for which they were not paſſed.

from the collector of the cuſtoms, or ſhipped, or attempted to be ſhipped upon any other veſſel than that for which they may have been paſſed at the cuſtom houſe, ſhall be ſubject to double duty and commiſſion.

The board of trade empowered to remit confiſcations or other penalties.

VII. *Firſt.* The board of trade are hereby empowered, where they may ſee cauſe ſo to do, to direct the releaſe of any goods which may have become liable to confiſcation, or to remit any other penalties which may have been incurred for the breach of any rule contained in the preſent regulation, or in Regulation XXXIX, 1795, as well in thoſe caſes in which certain proportions thereof are allotted to the informer or ſeizer, and to the collector and his deputy, as where the whole devolves to the Company.

And in lieu thereof to order double duty to be levied ſhould they ſee cauſe.

*Second.* The board of trade are further hereby empowered to order double duty and double commiſſion to be levied, in lieu of any higher penalty which may be incurred, where they may ſee ground for a mitigation of ſuch penalty.

The duty on exports how to be ſettled in future.

VIII. Clauſe Firſt, of Section XVII, Regulation XXXIX, 1795, which directs that the duty on exports ſhall be ſettled on the aurung or prime coſt of the goods, is hereby reſcinded. In future the duty ſhall be levied on the Calcutta price, deducting one tenth part of ſuch price, the article of indigo excepted, for which another mode of aſſeſſment is eſtabliſhed by Section V, of the preſent regulation.

Precious ſtones exempt from duty.

IX. Precious ſtones imported or exported are exempt from duty. They muſt nevertheleſs be entered at the cuſtom houſe, and their value be ſtated under a penalty for failure equal to double duty.

Goods going from Calcutta to Serampore or other foreign ſettlements to pay the export duty.

X. Goods the produce of Bengal, or of the weſtern provinces, going from Calcutta to Serampore, ſhall be ſubject to the export duty, in like manner as if they were exported by ſea direct from Calcutta, as ſhall alſo goods ſent to the other foreign ſettlements, ſhould thoſe ſettlements be reſtored on the concluſion of peace.

XI.

XI. The maſter of every foreign veſſel importing at Calcutta, is required on his arrival to deliver at the maſter attendant's office, a liſt, ſpecifying his name, and the names of the officers and crew of his veſſel, and thoſe of the paſſengers on board. The collector of the cuſtoms is prohibited from permitting any foreign veſſel to import at Calcutta, until the maſter attendant ſhall have certified that ſuch liſt has been delivered to him.

The maſters of foreign veſſels to deliver liſts of their crews &c. to the maſter attendant.

XII. Timber is exempt from duty on importation.

Timber exempt from duty on importation.

XIII. The duty on claret imported from England ſhall be ſettled upon the rate of £. 2. 10 per dozen, or £. 30 per cheſt of twelve dozen, except that whenever the actual coſt may be leſs than that rate, the duty ſhall be ſettled upon the actual coſt.

The duty on claret imported from England how to be ſettled.

XIV. No claim for a remiſſion of duty upon liquors ſtated to have been found ſour, or upon other goods ſtated to have been found damaged, will be admitted, unleſs the condition of the goods ſhall have been aſcertained previouſly to their paſſing the cuſtom houſe. On the examination of them at the cuſtom houſe, ſhould any of them be found in the ſtate above deſcribed, ſuch goods muſt be ſold on the ſpot as the condition of any remiſſion of duty, and the duty will be ſettled on the proceeds of the ſale.

The duty on ſour liquors and damaged goods how to be ſettled.

XV. The rates of exchange heretofore in uſe for the ſettlement of the Calcutta cuſtoms, are diſcontinued; and in future the duty ſhall be ſettled according to the following table: —

New table of exchange for the ſettlement of the Calcutta cuſtoms.

TABLE

## TABLE OF EXCHANGE FOR THE SETTLEMENT OF THE CALCUTTA CUSTOMS.

| *Countries.* | *Coins.* | *Rates of Exchange.* |
|---|---|---|
| Great Britain | Pound Sterling - - | at 10 Sicca Rupees. |
| Denmark - | Rix Dollar - - - | at Sicca Rupees 1-10. |
| France - - | Livre Tournois - - | at 24 for 10 Sicca Rupees. |
| Ditto - - | Mauritius Livre - - | at 48 for 10 Sicca Rupees. |
| Spain - - | Spanish Dollar - - | at $2\frac{1}{4}$ Sicca Rupees. |
| Portugal & Madeira - - | Millrea - - - | at $2\frac{3}{4}$ Sicca Rupees. |
| China - - | Tale - - - - | at $3\frac{1}{3}$ Sicca Rupees. |
| Madras - - | Star Pagoda - - - | at $3\frac{3}{4}$ Sicca Rupees. |
| Ditto - - | Swamy ditto - - | at 4 Sicca Rupees. |
| America - - | Currency to be converted into Pounds Sterling as follows: | |
| New England | By multiplying by 3 and dividing by 4. | The Pound Sterling to be rated as above at 10 Sicca Rupees. Where the invoices are in Dollars the Dollar to be rated at $2\frac{1}{4}$ Sicca Rupees. |
| Virginia - - | Ditto ditto. | |
| New York - | By multiplying by 9 and dividing by 16. | |
| Pensylvania - | Do. by 3 and do. by 5. | |
| South Carolina | By deducting $\frac{1}{27}$ part. | |
| Georgia - - | Ditto. | |

Measures to be pursued upon any attempt to pass cloths of superior assortments as of inferior assortments.

XVI. *First.* Should any attempt be made to pass cloths of superior assortments under the denominations or at the prices of inferior assortments, such cloths shall be charged with double duty, computed upon the valuation of the examiner and appraiser of piece-goods, after making the deduction specified in Section VIII.

The cloths under certain circumstances to be taken by the Company.

*Second.* Should the shipper refuse to pay the duty upon such valuation, the cloths shall be taken on the Company's account, and be paid for according to such valuation.

*Third*

*Third.* Each caſe, however, ſhall be reported by the collector of the cuſtoms to the board of trade, and their determination ſhall be obtained previouſly to the property being transferred to the Company.

Each caſe to be previouſly reported to the board of trade.

XVII. Donies or other coaſting veſſels liable to the duties of pilotage ſhall not be permitted to land or ſhip their cargoes, until the maſter attendant ſhall have certified to the collector of the cuſtoms that the duties have been paid, or that ſufficient ſecurity has been given for the payment of them.

Rule for enforcing the payment of the duties of pilotage on coaſting veſſels.

XVIII. In explanation of Clauſe Thirteenth, of Section V, Regulation XXXIX, 1795, which preſcribes, that "in future the "collector of the cuſtoms ſhall not refund half of the duties on "certificates from the other preſidencies," it is hereby declared, that certificates of goods having paid the import duty at the other preſidencies, do not entitle the goods to any exemption from duty on importation at Calcutta.

Explanation of Clauſe Thirteenth, of Section V, Regulation XXXIX, 1795.

XIX. The regiſter which by Section XI, Regulation XXXIX, 1795, is directed to be kept of the cuſtoms collected on imports by ſea, ſhall be diſcontinued. In lieu of it two regiſters ſhall be kept in the following form: —

New forms for regiſters of imports.

FORT

FORT WILLIAM, REGISTER *of* GOODS *imported by* SEA, *and of the* CUSTOMS *collected thereon, in*

| Register Number. | Date. | Number and nature of Packages | Vessels. | From whence imported. | Vessels under what colours. | Merchants Names. | Sort of Goods. | Quantity of Goods. | Amount of Invoice or Calcutta value. | Amount of Customs at 3½ per Cent. |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | |

FORT WILLIAM, REGISTER *of* GOODS *imported by* SEA, *free of* CUSTOMS, *in*

| Register Number. | Date. | Number and nature of Packages. | Vessels. | From whence imported. | Vessels under what colours. | Merchants Names. | Sort of Goods. | Quantity of Goods. | Amount of Invoice. |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | |

New forms for registers of exports.

XX. The register directed to be kept by Clause Ninth, of Section XVII, Regulation XXXIX, 1795, of the customs collected on

on exports by ſea ſhall be diſcontinued. In lieu of it two regiſters ſhall be kept in the following form : —

FORT WILLIAM, REGISTER *of* GOODS, *Exported by* SEA, *and of the* CUSTOMS *collected thereon, in*

| Regiſter Number. | Dates. | Number and nature of Packages. | Veſſels. | Where bound. | Veſſels under what colours. | Merchants Names. | Place of Manufacture or Produce. | Sort of Goods. | Quantity of Goods. | Amount of Invoice. | Amo Custo. 3½ per |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | |

FORT WILLIAM, REGISTER *of* GOODS, *Exported by* SEA, *free of* CUSTOMS, *in*

| Regiſter Number. | Dates. | Number and nature of Packages. | Veſſels. | Where bound. | Veſſels under what colours. | Merchants Names. | Place of Manufacture or Produce. | Sort of Goods. | Quantity of Goods. | Amount of Invoice. |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | |

The rule for levying the duty on the investments of the commanders and officers of the Company's ships extended to the goods of other individuals imported from England.

XXI. The rule contained in Clause Seventh, Section V, Regulation XXXIX, 1795, for levying the duty on the investments of the captains and officers of the Company's ships, is hereby declared to extend to the goods of all other individuals imported from England on the Company's or other British ships.

Extension of the rule regarding the duty on presents.

XXII. That part of Clause Fifth, of Section XVII, Regulation XXXIX, 1795, which subjected to the export duty presents sent to Europe, not exceeding in value the sum of one hundred pounds sterling, to which they at that time were limited, is hereby declared to extend to presents which, with the permission of the board of trade, individuals may now send to England to a greater amount; and also to articles which, with the like permission, they may send for family use.

The duty on the cargoes of American vessels how to be levied

XXIII. The duty on the cargoes of American vessels coming from places west of the Cape of Good Hope shall be levied at the same rate as on the cargoes of British vessels importing from Europe; and the duty on the cargoes of American vessels importing from places within the limits of the Company's exclusive trade, shall be levied at the several rates established for the cargoes of British vessels importing from places within the said limits. The duty shall continue to be so levied as long as the treaty quoted in the preamble of this regulation may remain in force, or while the provisions contained therein in respect to such duty may continue unaltered.

Horses imported by sea exempt from duty

XXIV. Horses imported by sea are exempt from duty.

Goods the produce of parts beyond sea brought into Calcutta from the interior of the Country shall be subject to duty.

Exception.

XXV. Goods the produce of parts beyond sea brought into Calcutta from the interior of the country, shall be subject to duty in the same manner as if they had come from a foreign settlement, unless it should be proved to the satisfaction of the collector of the customs, that they have been carried from Calcutta to the interior of the country, and have already paid the import duty, if subject to duty.

XXVI.

XXVI. Clauſe Firſt, of Section XXII, Regulation XXXIX, 1795, rendering the collector of the cuſtoms and the public officers employed under him amenable to the court of dewanny adawlut of the twenty-four pergunnahs for any acts done in their official capacity, and the court in queſtion having been ſince aboliſhed, it is hereby declared that all complaints againſt the collector or his officers ſhall in future be cognizable in the dewanny adawlut of the zillah of Hoogly in the ſame manner as if the collector reſided and carried on the public buſineſs within the jurisdiction of the ſaid court.

Clauſe Firſt, Section XXII, Regulation XXXIX, 1795, explained.

BENGAL SECRET LIBRARY

# PRINCIPAL HEADS

OF THE

# *INDEX*

TO THE

# REGULATIONS OF 1800.

*ALTERATIONS, EXTENTION, MODIFICATIONS, AND RESCISSIONS, &c. &c.*


III. APPEALS.
IX. COLLEGE.
XI. CUSTOMS.
X. JUNGLE MEHAULS.
IV. KHARREE NOON.
I. ORPHANS.
VIII. REGISTERS.
V. RENTS.
VI. SPIRITS.
VII. STAMPS.
II. STONE QUARRIES.


*SUBOR-*

## *SUBORDINATE HEADS OF THE INDEX TO THE REGULATIONS OF* 1800.

Abkharry collections—vide ſtone quarries—appeals—regiſters.
Accountant general—ſee college.
Advocate general—vide college.
Appeals—ſee ſtone quarries—regiſters—rents.
Arrears—ſee rents.
Attachment—ſee rents.
Board of revenue—ſee rents—ſpirits—regiſters.
Board of trade—ſee cuſtoms.
Cauzies—vide rents—ſtamps.
Cherrus—vide ſpirits.
Commiſſioners—ſee rents.
Confiſcation—ſee kharreee noon—cuſtoms.
Civil auditor—vide college.
Collectors—vide regiſters—ſtamps—ſpirits—rents.
Coſts—vide rents.
Courts—ſee ſtamps—regiſters.
Courts of circuit—ſee ſpirits.
Defaulters—vide rents.
Degrees—ſee college.
Duties—vide cuſtoms.
Eſtate—vide regiſters.
Eſtabliſhment—ſee regiſters.
Examination—vide college.
Exemptions—vide ſtamps.
Fines—ſee ſtamps.
Guardians—vide orphans.
Inhabitants of the hills—ſee ſtone quarries.
Indigo—vide cuſtoms.
Invoices—ſee cuſtoms.
Informers—ſee ſtamps—ſtone quarries.
Inheritance—vide regiſters,
Lakheraje lands—ſee regiſters.

Languages

Languages—vide college.
Landholders—ſee regiſters.
Licenſes—ſee ſpirits.
Magiſtrates—vide rents—regiſters.
Malgoozarry lands—ſee regiſters.
Manifeſts—ſee cuſtoms.
Mehauls—vide regiſters.
Members of the Supreme Council—ſee college.
Mofuſſil canongoes—ſee regiſters.
Muddut—ſee ſpirits.
Naibs—vide regiſters.
Penalty—vide ſpirits—rents—ſtamps—cuſtoms.
Pergunnahs—vide regiſters.
Paupers—vide ſtamps.
Pilotage—ſee cuſtoms.
Profeſſors—vide college.
Provoſt—ſee college.
Reſiſtance—vide rents.
Rewards—vide ſtone quarries—college.
Regiſters—vide rents—cuſtoms.
Rowannahs—ſee ſtone quarries.
Salaries—vide college.
Stampt paper—ſee ſpirits.
Spirituous liquors—ſee ſpirits.
Secretary to the board of revenue—ſee ſtamps.
Statutes—vide college.
Sudder dewanny adawlut—ſee ſtamps.
Sudder canongoes—vide regiſters.
Stills—ſee ſpirits.
Term—vide college.
Treaſurers—vide college.
Tullubaneh—vide rents.
Vacation—ſee college.
Zenanahs—vide rents.

*ALTER-*

## ALTERATIONS, EXTENSION, MODIFICATIONS, AND RESCISSIONS, &c.

| Year. | Regulation. | Section. | Clause. | | Year. | Regulation. | Section. | Clause. |
|---|---|---|---|---|---|---|---|---|
| 1793 | XIII. | IX. et seq. | | Extended by - - | 1800 | II. | IX. | |
| 1794 | III. | XV.<br>XVI.<br>XVII.<br>XVIII.<br>XIX.<br>XX.<br>XXI. | | Extended by - - | | —— | X. | |
| 1795 | XXII. | LXXXI. & LXXXII | | Modified by - - | | —— | XV. | |
| 1793<br>1795 | XL.<br>XXXVI. | XX.<br>IV. | | Modified by - - | | III. | II. | |
| —— | XLV. | V. | | Rescinded in part by | | V. | III. | |
| —— | —— | VIII. | | Ditto, ditto | | —— | IV. | |
| —— | —— | XX. | | Modified by - - | | —— | V. | |
| —— | XXXI. | | | Additional rule - | | —— | VI. | |
| —— | XLV. | XVII. | | Further enforced by | | —— | IX. | |
| —— | —— | XIX. | | Modified by - - | | —— | X. | |
| 1793 | IX. | X. | | Further enforced by | | —— | XII. | |
| —— | IV. | VI. | | Extended by - - | | —— | —— | |
| 1795 | XLV. | XXXI. | | Explained by - - | | —— | XIII. | |
| —— | VI. | III. VII. & XII. | | Extended by - - | | —— | XXI. | |
| —— | —— | XIV. | | Extended by - - | | —— | XXII. | |
| —— | —— | XVI. | | Extended by - - | | —— | XXIII. | |
| —— | —— | XV. | | Enforced by - - | | —— | XXIV. | |
| —— | XXVII. | IX. | | Explained by - - | | —— | XXV. | |
| 1799<br>1796<br>1795<br>1796 | VII.<br>V.<br>VI.<br>XII. | XXIX.<br>XXXII.<br>XXXIII.<br>XXXIV. | | Extended to Benares by - - - - | | —— | XXVI. | |
| 1799 | VII. | XXX. | | Extended ditto | | —— | XXVII. | |
| 1794 | III. | XV.<br>XVI.<br>XVII.<br>XVIII.<br>XIX.<br>XX.<br>XXI. | | Extended ditto | | —— | —— | |

| Year. | Regulation. | Section. | Clause. | | Year. | Regulation. | Section. | Clause. |
|---|---|---|---|---|---|---|---|---|
| 1799 | VII. | XXXI. | | Extended by - - | 1800 | V. | XXVIII. | |
| 1793<br>1794<br>1795<br>1797 | XXXIV.<br>XLI.<br>I.<br>XLVII.<br>X. | XVIII.<br>XX.<br><br><br>II. | | Extended and explained by - - - | | VI. | I. | |
| 1793 | XXXIV. | X. | | Qualified by - - | | — | IX. | |
| — | — | XII. & XIII. | | Enforced by - - | | — | XI. | |
| 1799<br>1800 | VII. & V. | — | | Extended by - - | | — | XV. | |
| 1793<br>1794<br>1795 | LI.<br>I.<br>XLVII. | VIII. IX. X. | | Enforced by - - | | — | XVIII. | |
| 1793 | XXXIV. | XVI. & XVII. | | Explained and enforced by - - - | | — | XXXIV. | |
| 1797 | VI. & X. | — | | Explained and extended by - - - | | VII. | I. | |
| | VI. | XVI. & XXI. | | Rescinded by - - | | — | II. & XII. | |
| 1793 | XXXIX. | VIII. | | Re-enacted - - | | — | XII. | |
| 1797<br>— | VI.<br>X. | XVII. & XVIII.<br>XI. | | Partly rescinded by | | — | XIII. | |
| —<br>—<br>— | VI.<br>—<br>— | XVIII.<br>—<br>XVII. | Fourth.<br>Second. | Explained by - -<br>Ditto ditto - -<br>Explained by - - | | —<br>—<br>— | XVIII.<br>XIX.<br>XX. | |
| — | VI. | V. VI. & VII. | | Explained by - - | | — | XXI. & XXII. | |
| —<br>—<br>— | X.<br>VI.<br>— | VIII.<br>XVII.<br>XX. | | Rescinded by - -<br>Extended by - -<br>Extended by - - | | —<br>—<br>— | XXIII.<br>XXIV.<br>XXV. | |

XIX.

| Year. | Regulation. | Section. | Clause. | | Year. | Regulation. | Section. | Clause. |
|---|---|---|---|---|---|---|---|---|
| 1793 | XIX. XXXVII XLVIII. | | | Partly rescinded by | 1800 | VIII. | XI. | |
| 1795 | XIX. XLI. XLII. | | | Partly rescinded by | | —— | —— | |
| 1793 | XIX. XXXVII XLVIII. | | | Partly rescinded by | | —— | XII. | |
| 1795 | XIX. XLI. XLII. | | | | | | | |
| 1793 1795 | XLVIII. XIX. | II. | | Explained by - - | | —— | XIII. | |
| 1793 | XIX. XXXVII XLVIII. | | | Partly rescinded by | | —— | XV. | |
| 1795 | XIX. XLI. XLII. | | | Partly rescinded by | | —— | —— | |
| 1793 | XIX. XXXVII | XXV. XX. | | Enforced by - - | | —— | XIX. | |
| 1795 | XLI. XLII. | XXV. XX. | | Enforced by - - | | —— | —— | |
| 1793 | XI. | | | Rescinded by - - | | X. | II. | |
| 1797 | I. | | | Rescinded by - - | | XI. | —— | |
| 1795 | XXXIX. | IV. | Fifth. | Modified by - - | | —— | III. | First. |
| —— | —— | V. | Fourth. | Modified by - - | | —— | IV. | First. |
| —— | —— | —— | | Modified by - - | | —— | —— | Second. |
| —— | —— | XVII. | First. | Rescinded by - - | | —— | VIII. | |
| —— | —— | V. | Thirteenth. | Explained by - - | | —— | XVIII. | |
| —— | —— | XI. | | Rescinded by - - | | —— | XIX. | |
| —— | —— | XVII. | Ninth. | Rescinded by - - | | —— | XX. | |
| —— | —— | V. | Seventh. | Extended by - - | | —— | XXI. | |
| —— | —— | XVII. | Fifth. | Extended by - - | | —— | XXII. | |
| —— | —— | XXII. | First. | Explained by - - | | —— | XXVI. | |

APPEAL

| | Regulation. | Section. | Clause. |
|---|---|---|---|
| **APPEALS.** | | | |
| Judges empowered to refer appeals from the decisions of the native commissioners not exceeding sicca rupees twenty-five to their registers, whose decrees are to be considered as final. - - - | III. | II. | |
| Institution fees on appeals, referred to registers, to be paid to them for their own use, after they have decided thereon. - | —— | III. | |
| **COLLEGE.** | | | |
| A college to be founded. - - | IX. | II. | |
| A proper building to be erected. - | —— | III. | |
| The Governor General to be patron and visitor. - - - | —— | IV. | |
| The members of the Supreme Council, &c. to be Governors. - - | —— | V. | |
| The Governor General in Council to be trustee for the management of the funds of the college. - - | —— | VI. | |
| Comptrolling committee of treasury to be treasurers. - - - | —— | VII. | |
| Accountant general and civil auditor to be accountant and auditor. - - | —— | VIII. | |
| Advocate general, and the standing counsel, to be the law officers - - | —— | IX. | |
| The immediate government of the college vested in a provost, and other officers—to be removed at the discretion of the patron and visitor. - - - | —— | X. | |
| Provost to be a clergyman of the church of England. - - - | —— | XI. | |
| Acts of the patron subject to the pleasure of the Court of Directors. - - | —— | XII. | |
| Primary duties of the provost. - - | —— | XIII. | |
| The patron empowered to establish and endow professorships - - | —— | XIV. | |
| Professorships to be established. - | —— | XV. | |
| Patron may unite or separate any of the professorships, or found additional ones. - | —— | XVI. | |
| Provost, vice provost, and professors, entitled to pensions, under restrictions. - | —— | XVII. | |
| All civil servants on the Bengal establishment to be attached to the college for the first three years after their arrival. - | —— | XVIII. | |
| Civil servants who have not resided three years in Bengal, to be attached to the college for | | | |

three

| | Regulation. | Section. | Clause. |
|---|---|---|---|
| three years from the date of this regulation. - - - | IX. | XIX. | |
| Any of the junior civil ſervants in India may be admitted into the college by order of the Governor General in Council. - | —— | XX. | |
| Any of the junior military ſervants to be admitted by the ſame authority. - | —— | XXI. | |
| Four terms annually and four vacations. | —— | XXII. | |
| Two public examinations to be holden annually, and honorary rewards to be publicly diſtributed. - - - | —— | XXIII. | |
| Degrees to be eſtabliſhed—promotions in the civil ſervice to be the reſult of merit. | —— | XXIV. | |
| Statutes to be framed; to be ſanctioned by the patron, and printed. - - | —— | XXV. | |
| The patron empowered to amend, abrogate, or enact ſtatutes. - - | —— | XXVI. | |
| Statement of ſalaries, appointments, &c. to be ſubmitted at the end of each term to the Governor General in Council, and to be by him tranſmitted to the Court of Directors, with printed copies of all ſtatutes. | —— | XXVII. | |
| CUSTOMS. | | | |
| The one per cent duty eſtabliſhed by Regulation I, 1797, aboliſhed. - - | XI. | II. | *First.* |
| The duty on goods heretofore ſubject by Regulation XXXIX, 1795, to two and a half per cent duty, raiſed to three and a half per cent. | —— | —— | *Second.* |
| Goods which were exempted from two and a half per cent duty, now exempt from the three and a half per cent duty. | —— | —— | *Third.* |
| No credit to be allowed for the import duty, except upon a depoſit of goods, or of government ſecurities. - - | —— | —— | *Fourth.* |
| Commiſſion to the collector. - | —— | —— | *Fifth.* |
| Modifications of Section IV, Regulation XXXIX, 1795, reſpecting goods not manifeſted. - - - | —— | III. | *First.* |
| Penalty in future for not manifeſting goods. | —— | —— | *Second.* |
| Caſe of a refuſal to pay the penalty. - | —— | —— | *Third.* |
| Exception. - - - | —— | —— | *Fourth.* |
| Confiſcations and penalties how to be appropriated. - - - | —— | —— | *Fifth.* |
| Ships importing in ballaſt to be ſo reported. | —— | —— | *Sixth.* |
| The oath required by Sections IV, and V, Regulation XXXIX, 1795, to be taken to the prime coſt of goods diſpenſed with. | —— | IV. | *First.* |


Invoices

| | *Regulation.* | *Section.* | *Clause.* |
|---|---|---|---|
| Invoices or bills of goods imported, to be produced to the collector. - - - | XI. | IV. | *Second.* |
| Process to be observed on suspicion that the invoices produced do not shew the true prime cost—penalty. - - | —— | —— | *Third.* |
| Penalty how to be appropriated. - | —— | —— | *Fourth.* |
| Cases under Clause Third, to be reported to the board of trade. - - - | —— | —— | *Fifth.* |
| New form of the affidavit to be annexed to manifests. - - - | —— | —— | *Sixth.* |
| Rule in Section V, Regulation XXXIX, 1795, modified. - - - | —— | —— | *Seventh.* |
| Duty on Batavia arrack to be settled as before. | —— | —— | *Eighth.* |
| Rules for adjusting the duty on indigo. | —— | V. | |
| Penalty for transhipping goods without permission, or for shipping goods on a vessel for which they were not passed. - | —— | VI. | |
| The board of trade empowered to remit confiscations, &c. - - | —— | VII. | *First.* |
| And in lieu thereof, to order double duty to be levied, should they see cause. - | —— | —— | *Second.* |
| The duty on exports how to be settled in future. - - - | —— | VIII. | |
| Precious stones exempted from duty. | —— | IX. | |
| Goods going from Calcutta to Serampore, or other foreign settlements, to pay the export duty. - - - | —— | X. | |
| Masters of foreign vessels to deliver lists of their crews, &c. to the master attendant. | —— | XI. | |
| Timber exempt from duty on importation. | —— | XII. | |
| The duty on claret imported from England, how to be settled. - - - | —— | XIII. | |
| Duty on sour liquors and damaged goods, how to be settled. - - - | —— | XIV. | |
| New table of exchange for the adjustment of the Calcutta customs. - - | —— | XV. | |
| Measures to be pursued upon any attempt to pass cloths of superior assortments as of inferior quality. - - - | —— | XVI. | *First.* |
| The cloths, under certain circumstances, to be taken by the Company. - - | —— | —— | *Second.* |
| Each case to be previously reported to the board of trade. - - - | —— | —— | *Third.* |
| Rule for enforcing the payment of the duties of pilotage on coasting vessels. - - | —— | XVII. | |
| Explanation of Clause XIII, Section V, Regulation XXXIX, 1795. - | —— | XVIII. | |

New

| | Regulation. | Section. | Clause. |
|---|---|---|---|
| New forms for registers of imports. - | XI. | XIX. | |
| New forms for registers of exports. - | —— | XX. | |
| The rule for levying the duty on the investments of the commanders and officers of Company's ships extended to goods of other individuals imported from England. | —— | XXI. | |
| Extension of the rule regarding the duty on presents. - - - - | —— | XXII. | |
| The duty on the cargoes of American vessels, how to be levied. - - - | —— | XXIII. | |
| Horses imported by sea, exempt from duty. | —— | XXIV. | |
| Goods, the produce of foreign countries brought into Calcutta from the interior of the country, subject to duty — exception. - | —— | XXV. | |
| Clause First, Section XXII, Regulation XXXIX, 1795, explained. - - - | —— | XXVI. | |
| JUNGLE MEHAULS. | | | |
| Regulation XI, 1793, not to operate in the jungle mehauls of Midnapore and other districts—succession to be regulated by local custom. - - - - | X. | II. | |
| KHAREE NOON. | | | |
| Adulterated salt, liable to confiscation, and the offenders subject to a fine—fine how to be calculated, and how recoverable. - | IV. | II. | |
| Salt so adulterated, liable to seizure by the police, and salt officers, who will report it to the judge—judge how to proceed on receiving such report. - - - | —— | III. | |
| Proprietor of such confiscated salt on giving security, allowed one month to institute a regular suit in the dewanny adawlut, and in such case, execution of order to be suspended—after the expiration of one month, no appeal admitted. - - - | —— | IV. | |
| Proprietor may recover damages, should the seizure be improperly made. - - | —— | V. | |
| Further fine to be levied, should the suit be instituted to create delay, &c.—decision in such case subject to the existing rules for appeals. - - - - | —— | VI. | |
| Salt to be held under attachment until a final decision is made. - - - | —— | VII. | |
| What share of the fine the officers of government making the seizure are to receive. | —— | VIII. | |


Share

| | Regulation. | Section. | Clause. |
|---|---|---|---|
| Share to informer. - - - | IV. | IX. | |
| Bullocks, carriages, &c. conveying adulterated salt, liable to sale. - - - | —— | X. | |
| **ORPHANS.** | | | |
| Minor orphan zemindars and others, proprietors of shares in joint undivided estates—zillah judges to nominate guardians—not subject to the jurisdiction of the court of wards. | I. | I. | |
| Rules for the selection of guardians. - | —— | II. | |
| Compensation to guardians. - - | —— | III. | |
| Guardians to have written commissions. | —— | IV. | |
| Duties of guardians. - - - | —— | V. | |
| Estates liable to be sold for the discharge of arrears of assessment. - - | —— | VI. | |
| Mode to be observed by persons considering themselves aggrieved. - | —— | VII. | |
| **REGISTERS.** | | | |
| Collectors to form a pergunnah register of lands. | VIII. | II. | |
| The register to contain a separate head for each pergunnah, or such other local division of lands, as may have been established. | —— | III. | *First.* |
| The register of each division to be divided into two parts, for malgoozarry and lakheraje lands. - - - - | —— | —— | *Second.* |
| What particulars the malgoozarry part of the register shall contain. - - | —— | —— | *Third.* |
| Ditto ditto the lakheraje. - - | —— | —— | *Fourth.* |
| At what period the general pergunnah registers are to be prepared, and how to be numbered. | —— | IV. | |
| Intermediate pergunnah registers of mutations—provisions in regard to the repartition of assessment. - - - | —— | V. | |
| Board of revenue to furnish the collectors with forms—in what language and by whom the registers are to be kept, and how to be attested. - - - - | —— | VI. | |
| Rules for obtaining the information required for compiling the registers—restrictions. | —— | VII. | |
| Ditto ditto regarding the register of mutations. | —— | VIII. | |
| How collectors are to render their general registers complete—no change in the existing limits of pergunnahs, &c. to be made without the sanction of government.—The above not to preclude the collectors from re-annexing mehauls separated since 1197. | —— | IX. | |

Copies

| | Regulation. | Section. | Clause. |
|---|---|---|---|
| Copies of entries in the registers, in case of lands being separated from one zillah and annexed to another, to be sent by one collector to the other. - - - | VIII. | X. | |
| Part of Regulations XIX, XXXVII, and XLVIII, of 1793, and XIX, XLI, and XLII, of 1795, rescinded.—Rules for the compilation of quinquennial registers. | —— | XI. | |
| Further parts of the above regulations, respecting the insertion of measurements and rents of lands, rescinded. | —— | XII. | |
| Explanation of the term estate. - | —— | XIII. | |
| All alterations in the amount of the annual revenue assessed upon estates to be stated in the registers of intermediate mutations. - | —— | XIV. | |
| Such parts of Regulations XIX, XXXVII, and XLVIII, 1793, and Regulations XIX, XLI, and XLII, 1795, as direct registers to be kept in the Bengal and Hindoostanny language, rescinded—how the courts are to proceed whenever they shall have occasion to refer to any of the registers—courts to report to government the reasons given by collectors for not having the registers completed—collectors on succeeding to office to report to the board of revenue should the registers not have been duly prepared. - | —— | XV. | |
| The copies of the several registers to be transmitted by the collectors to the accountant of the board of revenue. - - | —— | XVI. | |
| The board of revenue to furnish collectors with new forms for the registers—collectors to be regular in the transmission of the quarterly entries, and to report what establishments may be required for this duty. - | —— | XVII. | |
| Board of revenue to submit the necessary establishments to government—rules respecting the officers appointed for this duty. - | —— | XVIII. | |
| Collectors to ascertain whether the publications before directed have been made, and if not, to cause them to be made, after which all unregistered land, held exempted from revenue shall be subject to assessment. - | —— | XIX. | |
| Notice to be given to the collectors of the establishment of new villages under a certain penalty. - - - | —— | XX. | |
| All persons succeeding to landed property by | | | |


inheritance

| | Regulation. | Section. | Clause. |
|---|---|---|---|
| inheritance or otherwise, to give notice of the same to the collector, who is to enquire into the truth of such allegation—penalty for neglect of such notice or wilful misrepresentation. | VIII. | XXI. | |
| The records of the late mofussil canongoes to be delivered to the collectors, and those of the sudder canongoes and their naibs to the board of revenue, who are to report on the best mode of disposing of them. - | — | XXII. | |
| RENTS. | | | |
| Rules for enabling proprietors and farmers, to enforce payment of their rents in the province of Benares. - - - | V. | I. | |
| Zemindars, &c. authorized to delegate to their agents the power of distraining—penalties for the abuse of this power. - | — | II. | |
| Under-tenants considered defaulters from the day prescribed for payment of rent, and property liable to be distrained, and in what manner. | — | III. | |
| Rules for giving previous notice of the sale of distrained property, and for conducting the sale. - - - | — | IV. | |
| Commission to be paid to officers authorized to sell distrained property—penalties for misconduct. - - - | — | V. | |
| What cauzies authorized to sell distrained property—form of sunnud to be given to the commissioners. - - - | — | VI. | |
| What persons considered commissioners ex-officio—rules for appointing other commissioners. - - - | — | VII. | |
| City judge to appoint commissioners. - | — | VIII. | |
| Additional penalties for resisting attachments—police officers how to act in such cases—mode of proceeding on claims being preferred to property under distraint. - | — | IX. | |
| Former restrictions, with respect to forcing outer doors or entering zenanahs, modified—penalties prescribed. - - | — | X. | |
| Tehseeldars, on application, to depute an officer to be present at attachment for arrears of rent—police officers how to act to prevent resistance. - - - | — | XI. | |
| Further rules for the punishment of unfounded complaints against distrainers. - | — | XII. | |

Further

| | Regulation. | Section. | Clause. |
|---|---|---|---|
| Further rules for determining revenue ſuits in preference to others. - - | V. | XIII. | |
| Rules for the recovery of arrears which cannot be recovered by diſtreſs—defaulters and their ſureties liable to arreſt. - | — | XIV. | *First.* |
| Proceſs againſt defaulters and their ſureties. | — | — | *Second.* |
| Rule of proceeding on application being made to the judge for the above purpoſe. - | — | — | *Third.* |
| Rule of proceeding on the apprehenſion of a defaulter or his ſurety. - - | — | — | *Fourth.* |
| In what caſes the defendant is to be diſcharged or confined—allowance to be paid in the latter caſe. - - - | — | — | *Fifth.* |
| Farms, &c. liable to attachment under certain reſtrictions. - - | — | — | *Sixth.* |
| What further meaſures may be taken by proprietors and farmers for ſecuring their future rents. - - - | — | — | *Seventh.* |
| Explanation regarding the power and reſponſibility of landholders in regard to their under-tenants. - - | — | — | *Eighth.* |
| Perſons confined may ſue in the dewanny adawlut. - - - | — | XV. | |
| Claims of zemindars and others, rejected on the ſummary enquiry, may be ſued for in the dewanny adawlut. - - | — | XVI. | |
| Summary judgments, under Section XIV, not open to appeal—fees not to be levied—rules reſpecting ſtampt paper applicable in ſuch caſes. - - - | — | XVII. | |
| Preceding ſections applicable to managers of eſtates and officers of government. - | — | XVIII. | |
| Foregoing proviſions to be in force in the city of Benares—Section XIV, extended to ſubordinate agents. - - - | — | XIX. | |
| Punctuality expected from landholders and farmers. - - - | — | XX. | |
| Intereſt to be charged on arrears from the day they become due—exception. - | — | XXI. | |
| In what caſes the collector may cauſe the perſonal property of defaulting landholders to be diſtrained and ſold—rules and reſtrictions in regard to ſuch diſtreſs and ſale. - | — | XXII. | |
| Attachment for arrears when to be withdrawn—collector and tehſeeldars liable to proſecution—the diſtreſs and ſale of perſonal property not to be ſtopped on account | | | |


of

| | Regulation. | Section. | Clause. |
|---|---|---|---|
| of ſuits having been inſtituted—proviſions againſt reſiſtance—explanation of the rules reſpecting limitation of appeals to the ſudder dewanny adawlut. - - | V. | XXIII. | |
| Proviſions againſt colluſion, and the anticipation of rents. - - | — | XXIV. | |
| Accounts to be furniſhed by putwarries, and meaſures to be taken for their appointment—penalty for non-compliance on the part of proprietors, &c. with collector's requiſition for accounts. - - | — | XXV. | |
| Arrears at the cloſe of the year to be reported to the board of revenue, how to be recovered—rules for ſales of land in Bengal, Behar, and Oriſſa, extended to Benares. | — | XXVI. | |
| Board of revenue to conduct ſales of land under the regulations—rules regarding eſtabliſhments. - - | — | XXVII. | |
| Collector of Benares may propoſe regulations to the board of revenue, who will report the ſame to the Governor General in Council. | — | XXVIII. | |
| SPIRITS, &c. | | | |
| Sale of intoxicating drugs confined to the cities and principal towns and villages which are to be divided into claſſes, and to pay duty accordingly. - - | VI. | II. | |
| Power of altering the rates of tax reſerved to the Governor General in Council. | — | III. | |
| Form of licenſe for drugs. - | — | IV. | |
| Perſons receiving licenſes to execute a counterpart engagement. - - | — | V. | |
| Licenſes to be written on ſtampt paper—how to be applied for, and what ſtamp duty to be paid thereon. | — | VI. | |
| What drugs are to be taxed. | — | VII. | |
| Manufacture and vend of certain drugs prohibited, and declared puniſhable as a criminal offence. - - - | — | VIII. | |
| Amended form of licenſe for the ſale of ſpirituous liquors, &c. - - | — | IX. | |
| Perſons receiving ſuch licenſes to execute a counterpart engagement. - | — | X. | |
| The above rules applicable to tarry ſold in a fermented ſtate—rates of tax—ſtamp duty. - - - | — | XI. | |
| Tarry licenſes to be written on ſtampt paper, | | | |

and

| | Regulation. | Section. | Clause. |
|---|---|---|---|
| and to be applied for and iſſued under Regulation X, 1797. | VI. | XII. | |
| All licenſes to expire at the end of the year, whether iſſued at the commencement or otherwiſe—penalty for unlicenſed ſale. | —— | XIII. | |
| Collectors may accept ſecurity for the payment of the tax for one month—tax to be levied daily in default of ſuch ſecurity, on failure of payment licenſe forfeited. | —— | XIV. | |
| Proceſs to be obſerved by the collectors and their officers againſt defaulters and their ſureties, in conformity to Regulations VII, 1799, and V, 1800. - - | —— | XV. | |
| How perſons may relinquiſh their licenſes. | —— | XVI. | |
| Regiſter of licenſes to be kept—copy to be furniſhed the board of revenue—magiſtrate to be furniſhed with a liſt of licenſes. | —— | XVII. | |
| Penalties and puniſhments to which illicit manufacturers or venders are liable. | —— | XVIII. | |
| Additional rules regarding the rate of duty on ſpirits. - - - | —— | XIX. | |
| Board of revenue to introduce the higheſt rates of duty—rule for the adjuſtment of ſuch rates. - - - | —— | XX. | |
| Board of revenue to reduce the number of licenſes. - - - | —— | XXI. | |
| Collectors to ſelect the moſt reſponſible dealers, and to require ſecurity from them. | —— | XXII. | |
| Rule for determining on the number of licenſes to be iſſued—magiſtrate may order licenſes to be withdrawn. - - | —— | XXIII. | |
| Places of manufacture and vend to be propoſed by the collector with the approbation of the magiſtrate. - - | —— | XXIV. | |
| No ſtills to be eſtabliſhed within a city or principal town. —— - | —— | XXV. | |
| Only one licenſe to be granted, and one ſhop to be allowed for one ſtill. | —— | XXVI. | |
| Rule for preventing the eſtabliſhment of unlicenſed ſtills. - - - | —— | XXVII. | |
| Police officers to report miſconduct of licenſed venders. - - - | —— | XXVIII. | |
| Further puniſhment for a breach of the conditions of the licenſe. - | —— | XXIX. | |
| Licenſed venders to be committed for trial before the court of circuit for ſerious offences. - - - | —— | XXX. | |


Further

| | Regulation. | Section. | Clause. |
|---|---|---|---|
| Further punishment for the illicit manufacture of spirituous liquors. - | VI. | XXXI. | |
| This regulation not applicable to the town of Calcutta—stills for supplying Calcutta, where to be established, and how to be taxed. | —— | XXXII. | |
| European distilleries of rum and other spirits for exportation exempted from duty—board of revenue to prepare a form of license for them—penalty for manufacturing without a license. - - - | —— | XXXIII. | |
| Sections XVI, and XVII, Regulation XXXIV, 1793, still in force—in what manner shops may be established in military cantonments. - - - | —— | XXXIV. | |
| Collectors allowed a commission on the Abkharry collections. - - | —— | XXXV. | |
| STAMPS. | | | |
| Rules for levying a stamp duty upon obligations for the payment of money, and upon law papers, &c. - - - | VII. | I. | |
| Sections XVI, and XXI, Regulation VI, 1797, to remain in full force till 30th Sept. 1800. | —— | II. | |
| Original obligations for the payment of any sum exceeding sicca rupees sixteen, to be written on stampt paper—exceptions—rates of stamp duties. - - | —— | III. | *First.* |
| Inscription on the stamps. - | —— | —— | *Second.* |
| Sizes of paper. - - - | —— | —— | *Third.* |
| Receipts to be written on stampt paper—Exceptions. - - - | —— | IV. | *First.* |
| Samples of the size of paper for receipts to be submitted to the Governor General in Council for his determination. - | —— | —— | *Second.* |
| All original deeds and copies to be written on stampt paper. - - - | —— | V. | *First.* |
| Rates of duty on the stamps. - | —— | —— | *Second.* |
| Mode of reporting, should any other than the customary sizes of paper be found necessary. | —— | —— | *Third.* |
| Exception to the use of stampt paper. | —— | —— | *Fourth.* |
| No document to be admitted in evidence, or received without the prescribed stamp. | —— | VI. | *First.* |
| Rule for getting the stamp affixed to any paper—penalty to be paid. - | —— | —— | *Second.* |
| Such paper admissible in evidence. - | —— | —— | *Third.* |
| In what cases the board of revenue may remit the penalty or a part of it. | —— | —— | *Fourth.* |

Persons

| | Regulation. | Section. | Clause. |
|---|---|---|---|
| Persons executing a deed contrary to these provisions, liable to penalty as well as the holder—how to recover penalty—moiety given to informers—the judge may remit or reduce the penalty. - - - | VII. | VII. | |
| Evasions for bringing the amount within the exemption of small sums punishable by fine. | — | VIII. | |
| Parties to agree who is to provide the stampt paper—by whom to be provided, should no such agreement have been made. - | — | IX. | |
| Collectors empowered to furnish stampt paper to agents to dispose of—compensation to such agents. - - - | — | X. | |
| Collector to procure the stampt paper from the superintendent, and to be allowed a commission on the sale. - - - | — | XI. | |
| Clause Seventh, Section XX, Regulation VI, 1797, superseded; Section XVI, Regulation VI, 1797, rescinded; and Section VIII, Regulation XXXIX, re-enacted—Cauzies to return any unsold stampt paper to the collectors, and the collectors to the superintendent. | — | XII. | |
| Sections XVII, and XVIII, Regulation VI, 1797, and Section XI, Regulation X, 1797, partly rescinded—stampt paper to be committed to the charge of collectors, with exception to sunnuds to cauzies and vakeels. | — | XIII. | |
| Courts who have charge of the stampt paper to continue to dispose of it till the 30th instant, when they are to deliver the residue to the collectors. - - - | — | XIV. | |
| Collectors to appoint agents for the sale of the stampt paper at each court in their districts—compensation to such agents—Section XI, extended to every description of stampt paper. - - - - - | — | XV. | |
| Stampt paper to be supplied to paupers—plea of poverty not to be admitted without evidence—stamp duty how to be recovered on paper so supplied. - - - | — | XVI. | |
| Agents to supply the courts with stampt paper for the copies of decrees, &c. &c.—registers to see that the duty on such paper is levied—decrees of courts, &c. to be written on English paper, to bear the highest rate of duty—parties held liable (paupers excepted) to the payment of the duty on stampt paper | | | |


used

| | Regulation. | Section. | Clause. |
|---|---|---|---|
| used for decrees—parties applying for copies of judicial papers, not required to be taken by them, to provide themselves with stampt paper. - - - - | VII. | XVII. | |
| Explanation of Clause Fourth, Section XVIII, Regulation VI, 1797. - - | —— | XVIII. | |
| Copies of proceedings and appeals from the sudder dewanny adawlut, to be prepared on stampt English paper, bearing the highest rate of duty—Section XVIII, Regulation VI, 1797, explained. - | —— | XIX. | |
| Section XVII, Regulation VI, 1797, explained. - - - - | —— | XX. | |
| Explanation of Clauses Fourth and Fifth, Section XVII, Regulation VI, 1797. | —— | XXI. | |
| Sections V, VI, and VII, Regulation VI, 1797, explained. - - - | —— | XXII. | |
| Section VIII, Regulation X, 1797, rescinded—complaints for petty offences of every description to be written on stampt paper—penalty for the non-observance of this rule. | —— | XXIII. | |
| Clause Ninth, Section XVII, Regulation VI, 1797, applicable to petitions preferred for registry of deeds, &c.—copies of deeds furnished by registers to be written on stampt paper. - - - - | —— | XXIV. | |
| Rates of duty to be paid on applications to revenue officers—petitions, unless on stampt paper, not to be received—penalty—exception in case of paupers — secretary to the board of revenue and collectors to whom to apply for stampt paper—rule for the sale of it. - - - - | —— | XXV. | |
| Additional penalties to which judicial and revenue native officers filing unstamped papers are liable—process for the recovery of such penalty. - - - - | —— | XXVI. | |
| Collectors &c. &c. to prosecute for the recovery of penalties, and to be allowed commission on the amount recovered—share to informer. - - - - | —— | XXVII. | |
| **STONE QUARRIES.** | | | |
| All persons, except British born subjects, permitted to quarry stones. - - | II. | II. | |
| Duty to be paid to government previous to the removal of the stones. - - | —— | III. | |

Duties

| | Regulation. | Section. | Clause. |
|---|---|---|---|
| Duties on the different descriptions of stones to be affixed in the collector's cutcherry in the native languages. - - | II. | IV. | |
| Duty to be paid into the collector's treasury, and a rowannah to be granted by him. | —— | V. | |
| Exact lists of the stones in prescribed forms to be delivered on application for rowannahs —how such lists are to be prepared. - | —— | VI. | |
| Measures to be taken for preventing fraudulent attempts to evade the duty—penalty for such evasion. - - - | —— | VII. | |
| Rowannahs to be returned monthly to the collector, with the necessary report—the darogah to furnish a pass free of any additional duty. - - - - | —— | VIII. | |
| Charges of exaction or corruption cognizable in the courts of justice—penalties specified in Regulation XIII, 1793, applicable in such cases. - - - - | —— | IX. | |
| The collector to nominate the darogahs, who will give the security required in Section XV, Regulation III, 1794, and Sections XV to XXI, of that regulation. - | —— | X. | |
| Stones attempted to be removed without paying duty, liable to seizure and confiscation —rewards granted to encourage seizures— punishment on the officers of government for neglect of duty — beyond certain limits round the quarries no stones to be stopt on suspicion. - - - | —— | XI. | |
| Seizures to be reported to the collector—rules for his guidance on receipt of such reports —appeals authorized to the city court. - | —— | XII. | |
| Reports to be made to the board of revenue. | —— | XIII. | |
| Power of encreasing or reducing the duty reserved to the Governor General in Council. | —— | XIV. | |
| Sections LXXXI, and LXXXII, Regulation XXII, 1795, rescinded—exception. - | —— | XV. | |

# TITLES OF THE REGULATIONS

*Passed in the Year*

# 1801.

## REGULATION

### I.

A REGULATION *to explain and amend part of the rules for collecting the public revenue contained in Regulations* VII, 1799, *and* V, 1800; *to expedite the sale of lands for arrears of revenue; to limit the division of property by such sales; to explain and amend the rules contained in Regulation* XXV, 1793, *(extended to Benares by Regulation* XXVI, 1795,*) for the division of joint estates, and allotment of the fixed assessment thereupon; and to fix a period for the operation of such part of Regulation* VIII, 1793, *as authorizes the separation of certain talooks from the zemindarries to which they were attached at the time of the decennial settlement. Passed on the* 15*th January*, 1801.

II.

II.

A REGULATION *for the more speedy and effectual administration of justice in the courts of sudder dewanny and nizamut adawlut. Passed on the 12th March*, 1801.

III.

A REGULATION *for putting a stop to the practice which prevails in many parts of the Company's provinces, of parties in civil suits preferring unfounded accusations of perjury against the witnesses in such suits, and unfounded charges of subornation of perjury against the adverse parties in such suits. Passed on the 19th March*, 1801.

IV.

A REGULATION *for the modification of certain parts of Regulation* IX, 1800, *entitled* A regulation for the foundation of a College at Fort William in Bengal, and for the better instruction of the junior civil servants of the Honorable the English East India Company, in the important duties belonging to the several arduous stations, to which the said junior civil servants may be respectively destined in the administration of justice, and in the general government of the British Empire in India. *Passed on the 11th April*, 1801.

V.

A REGULATION *for the re-establishment, with certain exceptions, of the Calcutta town duties abolished by Section* II, *Regulation* XXXIX, 1795. *Passed on the 14th May*, 1801.

VI.

A REGULATION *for providing more effectually against the illicit manufacture, importation, transportation, and sale of salt. Passed on the 4th July*, 1801.

VII.

A REGULATION *for modifying the duty on coasting vessels commonly*

*ly called dhonies; and for providing for the better collection of the same; and for the establishment of a duty of one anna per ton on vessels importing into, or exporting from, the river Hooghly, for defraying the expences attendant on a magazine to be erected for the reception of the gunpowder of ships entering the said river. Passed on the 16th July,* 1801.

VIII.

A REGULATION *for modifying the Mahomedan law in certain cases of kutl khota, or accidental homicide: and in other cases of the like nature. Passed on the 31st July,* 1801.

IX.

A REGULATION *to limit the operation of Section* XV, *Regulation* VIII, 1799, *upon persons employed in the salt manufacture, or in the provision of the Company's investment, and to explain and amend Section* II, *Regulation* XI, 1796, *with respect to persons so employed, and others charged with resistance of process under that regulation. Passed on the 31st July,* 1801.

X.

A REGULATION *for the establishment of certain duties, to be levied on goods imported into the cities of Patna, Dacca, Moorshedabad, and Benares; and for subjecting certain additional articles to the payment of the Calcutta town duties.—Passed on the 6th August,* 1801.

XI.

A REGULATION *for re-establishing, with certain alterations, the government customs heretofore levied at Calcutta on inland imports and exports, and also the government customs heretofore levied at Hooghly, Moorshedabad, Dacca, Chittagong, and Patna; and discontinued by the orders of the Governor General in Council, dated the 20th June,* 1788; *and for withdrawing the custom house established at Mangee by the said orders and continued under Regu-*

*lation*

*lation* XLII, 1793.—*Passed on the 6th August*, 1801.

XII.

A REGULATION *for determining what magistrates, collectors of revenue, collectors of customs, commercial residents or agents, or officers of police, shall exercise the power of seizing salt under Clauses First, Second, Third, Fourth, Fifth, Sixth, and Seventh, Section* XI, *Regulation* VI, 1801.—*Passed on the 6th August* 1801.

# A. D. 1801. REGULATION I.

REGULATION *to explain and amend part of the rules for collecting the public revenue contained in Regulations* VII, 1799, *and* V, 1800; *to expedite the sale of lands for arrears of revenue; to limit the division of property by such sales; to explain and amend the rules contained in Regulation* XXV, 1793, *(extended to Benares by Regulation* XXVI, 1795,*) for the division of joint estates, and allotment of the fixed assessment thereupon; and to fix a period for the operation of such part of Regulation* VIII, 1793, *as authorizes the separation of certain talooks from the zemindarries to which they were attached at the time of the decennial settlement.*—PASSED *by the Governor General in Council, on the* 15*th January* 1801; *corresponding with the* 4*th Maug* 1207 *Bengal era; the* 15*th Maug* 1208 *Fussily; the* 4*th Maug* 1208 *Willaity; the* 15*th Maug* 1857 *Sumbut; and the* 29*th Shaban* 1215 *Higeree.*

THE rules contained in Regulation VII, 1799, (extended to Benares with modifications by Regulation V, 1800,) for the more

more punctual collection of the land revenue by attachment of the lands in cases of arrear, and by a sale of them at the close of the year for which the arrear may be due, have materially promoted the object proposed by them, but have been partly deprived of their effect by indiscriminate attachment of the lands, without due regard to the discretion vested in the collectors by Clause Seventh, of Section XXIII, Regulation VII, 1799, and by the delays which have occurred in bringing portions of estates to sale for the recovery of arrears outstanding at the close of the year. With a view therefore to explain and amend the rules contained in the above regulations; to extend, under restrictions, to the provinces of Bengal, Behar, and Orissa, the rule established in Benares by Section XXII, Regulation V, 1800, for the distress and sale of the personal property of defaulting landholders and farmers, when necessary for the recovery of arrears of revenue, or other public demands; also to expedite the sale of lands for arrears of revenue; to limit the division of property by such sales; to explain and amend the rules contained in Regulation XXV, 1793, (extended to Benares by Regulation XXVI, 1795,) for the division of joint estates and allotment of the fixed assessment thereupon; and to fix a period for the operation of such part of Regulation VIII, 1793, as authorizes the separation of certain talooks from the zemindarries to which they were attached at the time of the decennial settlement; the Governor General in Council has enacted the following rules, to be in force as soon as promulgated throughout the provinces of Bengal, Behar, and Orissa; and, in the province of Benares, as far as they are declared applicable to that province.

Collectors not to attach estate or farm of any proprietor or farmer for arrears in the three first months of the year, without orders from the board of revenue; nor subsequently without such orders, except in particular cases.

II. By Clause First, of Section XXIII, Regulation VII, 1799, proprietors and farmers of land assessed with the public revenue, who may not discharge the monthly instalment of revenue demandable from them on or before the first day of the succeeding month, are made liable to the payment of interest on the amount of the arrear due from them at the rate of one per cent per

per menſem; and by Clauſe Second, of the ſame ſection and regulation, it is enacted, that if the arrear ſo due, principal and intereſt, ſhall not be diſcharged on the written requiſition preſcribed in Section III, Regulation XIV, 1793; (which allows a reaſonable time for conveying the money to the public treaſury according to the diſtance of the eſtate or farm of the defaulter;) nor aſſurance given for the immediate payment of it, to the ſatisfaction of the collector; he ſhall proceed without delay to attach the eſtate of the proprietor from whom the arrear may be due, or ſuch portion thereof as he may conſider fully ſufficient to make good by a ſale the arrear due, with intereſt; or, if the arrear be due from a farmer, ſhall proceed without delay both to attach his farm and arreſt his perſon (as well as the perſon of his ſurety, if he have given ſecurity) in the mode preſcribed by Sections V, and VI, Regulation XIV, 1793. But Clauſe Seventh, of the ſame ſection and regulation, authorizes and directs the collectors to ſuſpend the exerciſe of the above powers, in caſes of drought, inundation, or other calamity of ſeaſon; as well as in all caſes where the cauſe of failure may not have originated in the neglect, miſmanagement, or miſconduct of the defaulter. The collectors were at the ſame time required, in all ſuch caſes, to report the circumſtances to the board of revenue, and to be guided by their inſtructions; under which proviſion, and the diſcretion ſo veſted in the collectors, it was expected that they would ſuſpend the attachment of eſtates and farms, and report the caſe to the board of revenue, in all inſtances wherein, from enquiry made by them, or information given to them, there might be ground to believe that the failure was not wilful; or had not originated in the neglect, miſmanagement, or miſconduct of the defaulter. But few ſuch reports have been received from the collectors by the board of revenue, although many inſtances of the nature referred to muſt have occurred ſince the promulgation of Regulation VII, 1799; particularly in the early part of the year, whilſt the landholders and farmers are adjuſting their moſuſſil ſettlements for the year; at which period

it

it muſt be highly inconvenient and injurious to the landholders and farmers that their lands and farms ſhould be attached by the officers of government. It is therefore hereby enacted, that no collector ſhall attach the eſtate or farm of any proprietor or farmer of land for arrears of revenue during the three firſt months of the Bengal, Fuſſily, or Willaity year, (according to the era current in the ſeveral zillahs,) without the expreſs ſanction and order of the board of revenue, on a report of the caſe to be made to them by the collector: nor ſhall the attachment be ſubſequently made without ſuch ſanction and order, unleſs the collector ſhall judge the ſame expedient, with a view to induce payment of the arrear by the defaulter; or to prevent his miſappropriation of the remaining rents of the year; or to obtain accurate information of the aſſets of the eſtate for the purpoſe of diſpoſing of a portion of it by public ſale at the cloſe of the year; in either of which caſes, the attachment is to take place, after the third month of the year, under the ſeveral proviſions of Regulation VII, 1799; except that whenever the attachment may be judged adviſable for the purpoſes above ſtated, the whole eſtate ſhall be attached, inſtead of a portion thereof, as authorized by Clauſe Second, of Section XXIII, Regulation VII, 1799. Provided further, that the exception from the rule for attachment during the three firſt months of the year ſhall not be conſidered applicable to attachments made in the preceding year, and continued after the expiration of it with a view to the lands being brought to ſale for the recovery of the arrear due from them; and whenever the collectors and board of revenue may not judge it expedient to attach the lands for the purpoſes above recited, but ſhall be of opinion that the public revenue is wilfully withheld by the defaulter, or that the arrear is aſcribable to his neglect, miſmanagement, or miſconduct, it ſhall be competent to the board of revenue to impoſe a penalty of one per cent per menſem on the arrear, in addition to the preſcribed intereſt, to be paid from the time when the arrear may have become due until it be diſcharged; or until the eſtate or farm of the defaulter may

The entire eſtate to be attached inſtead of a portion thereof, when attachment may be deemed adviſable.

Exception from the rules of attachment during the three firſt months of the year not applicable to attachments made in the preceding year, and continued after its expiration for the purpoſe of bringing the lands to ſale.

Collectors to report to the board of revenue, when they may deem attachment for arrears unadviſable. Board empowered to levy a penalty of one per cent per menſem on the arrear, in addition to the preſcribed intereſt, in lieu of attachment, to continue until the arrear

may be attached (in which caſe the additional penalty in lieu of attachment is to ceaſe), and to be levied in like manner as the intereſt is directed to be levied, viz. in the ſame manner as other revenue demands are enforced under the exiſting regulations. In all caſes where the collectors may not judge it adviſable to attach the eſtate or farm of the defaulter for an arrear of revenue, and where the reſult of the fulleſt enquiry they may be able to make in ſuch caſes, ſhall induce them to believe the arrear wilful, or owing to the neglect, miſmanagement or miſconduct of the defaulter, they are to report the ſame, with a ſummary of the enquiry made by them to the board of revenue; in like manner as they are already required by Clauſe Seventh, of Section XXIII, Regulation VII, 1799, to make ſuch report to the board of revenue, in caſes wher in they may judge it proper to ſuſpend the attachment of eſtates or farms in arrear, or to ſuſpend the demand of intereſt upon arrears, on account of any calamity of ſeaſon or cauſe of failure not originating in the neglect, miſmanagement, or miſconduct of the defaulter. The report ſo required, is ſtill to be made by the collectors, whenever they may not carry into execution the general rule for attachments, after the expiration of the third month of the year; but as a full diſcretion is now veſted in them (ſubject to the controul of the board of revenue) for ſuſpending the enforcement of that rule in all caſes where they may judge the ſame expedient; it is expected that they will be particularly careful to inform themſelves as far as poſſible, in all inſtances of arrear, of the real cauſe of arrear, whether want of good faith on the part of the defaulter, or actual inability from a failure in his rents or otherwiſe; ſo that the proper remedy may be applied to the aſcertained circumſtances of the caſe; and neither the public intereſts be injured by unmerited indulgence; or thoſe of the individual ſuffer from undue ſeverity. When the collectors, from the reports of their moſuſſil officers, or from other information obtained by them, may have good reaſon to believe, that a defaulter has done his utmoſt to pay his revenue, but has been prevented by real inability, not proceeding from any perſonal deficiency,

be paid or the eſtate be attached.

Report required by Clauſe Seventh, of Section XXIII, Regulation VII, 1799, to be made by the collectors whenever they may not think proper to carry into execution the general rules for attachment at the end of the third month of the year.

Collectors to be careful to aſcertain the real cauſe of arrears.

deficiency, the attachment of his lands, whilst productive of expence and inconvenience to him, can produce no adequate advantage to government. On the other hand, if it be known that the defaulter has the means of making good his arrear; or that the attachment of his lands will afford assets for the payment of it, which might otherwise be misappropriated; the attachment would be evidently just and expedient; and whatever expence, or other consequences might arise from it to the defaulter, would be chargeable to his own misconduct. The local officers of government can alone make this discrimination; and the board of revenue, in their reports to the Governor General in Council, upon the towjee accounts of the collectors, are required to notice their attention or otherwise to this important part of their duty.

Board of revenue, in their reports on the towjee accounts, to notice the attention of the collectors to this part of their duty.

The lands and other property of defaulting proprietors and farmers, who on their lands and farms being attached, shall refuse to deliver up their accounts as required by Clause Fourth, of Section XXIII, Regulation VII, 1799, to be sold for the recovery of the arrears.

III. By Clause Fourth, of Section XXIII, Regulation VII, 1799, defaulting proprietors and farmers of land, whose estates or farms may be attached under that regulation, are required to furnish the collectors with any accounts that may be demanded from them, and which may be in their possession, relative to the jumma, collections, and outstanding balances of the current year, or of preceding years; as well as to cause their agents of every description, who may have been employed in the collections of the current year, to attend the collector, or the aumeen or other officer appointed by him to make the attachment. But the penalties enacted for non-compliance with the above rule, having in some instances proved insufficient to cause the delivery of the requisite accounts, without which the attachment must be nugatory; the Governor General in Council hereby declares, that in such cases, provided it shall appear to his satisfaction, from the reports of the collectors and board of revenue, that the prescribed written requisition has been issued and has not been complied with, he will avail himself of the power reserved to him by Clause Eighth, of the section and regulation abovementioned, to order an immediate sale of the lands and other property of the defaulter for the recovery of the arrears due from him.

IV.

IV. Inſtances having occurred, in which, from the very ſmall extent of certain eſtates, from their diſperſed ſituation and inconſiderable produce, it has been found impoſſible to attach them without an expence altogether diſproportionate to the arrear and value of the eſtates; the proprietors of which have in conſequence withheld the amount due from them, though well able to diſcharge it; to provide for ſuch caſes, the board of revenue are hereby veſted with authority to order the diſtreſs and ſale of the perſonal property of defaulters, as far as may be neceſſary for the recovery of arrears of revenue or other public demands, whenever, from the reports of the collectors or other information before them, they may conſider it juſt and expedient to have recourſe to this mode of recovery, inſtead of attaching the lands of the defaulters: and whenever ſuch diſtreſs and ſale may be ordered by the board of revenue, it is to take place in the mode preſcribed for the diſtreſs and ſale of the perſonal property of under-tenants for arrears of rent; under a ſtrict obſervance of the rules eſtabliſhed for this purpoſe by Regulations XVII, 1793, XXXV, 1795, and VII, 1799, or any future regulation on the ſubject. Provided, that this ſpecial rule be conſidered applicable only to the particular caſes above referred to, in which the general rule for attachments cannot with facility be put in execution; and be not in any inſtance underſtood to veſt the collectors with authority to ſell the perſonal property of any proprietor or farmer of land paying revenue to government, without the expreſs ſanction of the board of revenue. In applying for ſuch ſanction, the collectors are to make a full report of the circumſtances under which they may judge it adviſable to have recourſe to the ſpecial rule contained in this regulation; and are to ſtate any pleas which may have been offered for the arrear, with their opinion whether the ſame are well founded or otherwiſe. Provided further, that nothing in this ſection, the operation of which is reſtricted to the provinces of Bengal, Behar, and Oriſſa, ſhall be conſidered applicable to the province of Benares: where the rule for the diſtreſs and ſale of perſonal property contained in Section XXII, Regulation

Board of revenue empowered in certain caſes to cauſe the diſtreſs and ſale of perſonal property of defaulting proprietors.

Rules for the diſtreſs and ſale of the perſonal property of under-tenants to be ſtrictly adhered to in the exerciſe of this power.

Collectors not to exerciſe this power without the expreſs ſanction of the board of revenue, in applying for which, they are to make a report of all the circumſtances.

The rules in this Section confined to Bengal, Behar and Oriſſa.

V,

V, 1800, and which has reference to the ſtate of landed property and other circumſtances peculiar to that province, is to remain in force as heretofore.

On it being proved to the ſatisfaction of the Governor General in Council, that a proprietor or farmer of land, whoſe lands are ordered to be ſold, has received the preſcribed written requiſition and refuſes to deliver up his accounts as required by Clauſe Firſt, of Section XXIX, Regulation VII, 1799, and by Section X, Regulation XLV, 1793, the whole of the eſtate ſhall be ſold inſtead of a portion thereof.

V. By Clauſe Firſt, of Section XXIX, Regulation VII, 1799 and by Section X, Regulation XLV, 1793, therein referred to, proprietors and farmers of lands ordered for ſale, are required to attend the collector or the aumeen or other officer appointed by him; or if the collector ſhall require the attendance of an agent, to cauſe the attendance of ſuch agent; with any accounts of the jumma and collections of the lands ordered to be ſold, or of the eſtate of which ſuch lands form a part, that may be requiſite for the purpoſe of adjuſting the public aſſeſſment upon the portion of the eſtate to be diſpoſed of. But the fine preſcribed for non-compliance with ſuch requiſitions has in many inſtances proved ineffectual; and the accounts required for adjuſting an allotment of the fixed aſſeſſment upon portions of eſtates, to be diſpoſed of, in conformity to the regulations, being withheld by the defaulting landholders, who, at the ſame time, with a view to impede the ſale of their eſtates, have withdrawn or neglected to appoint the village putwarries required by the regulations; it has been found impoſſible in ſuch caſes to allot the aſſeſſment to the aſcertained produce of the lands, without conſiderable delay; whereby not only the punctual realization of the public dues is prevented; but the ends propoſed by poſtponing the ſale of lands for arrears of revenue till the end of the year under the proviſions contained in Regulations VII, 1799, and V, 1800, are in a great degree defeated. To ſecure therefore the objects of the above regulations; which, by poſtponing the public ſales of lands for arrears of revenue till the cloſe of the year, had in view the eaſe and advantage of the land-proprietors and their tenants; and to provide againſt undue impediments in the ſale of portions of eſtates by the miſconduct of the proprietors; on whoſe account alone it can ever be propoſed to ſell a portion of an eſtate to liquidate an arrear of revenue for which the entire eſtate is reſponſible; it is hereby declared,

declared, that whenever it shall be established by the reports of the collectors and board of revenue, and the evidence taken by them, to the satisfaction of the Governor General in Council, that any proprietor of land has received the prescribed requisition for the accounts actually kept by him, or by his agents for him, of his estate, or of the portion of his estate which may be proposed for public sale, and that such proprietor has refused or wilfully neglected to furnish the accounts required for adjusting an allotment of the assessment of his entire estate upon the portion proposed to be sold, the Governor General in Council will order the immediate sale of the whole estate, instead of a portion of it, as intended, in satisfaction of the demand to be recovered. Provided, that in such cases, the sale shall be made, after advertisement, in conformity to the general rules for sales of land; and if the proprietor at any time antecedent to the fixed day of sale, shall deliver the accounts required from him, or otherwise conform to the requisition made to him, the actual sale of the entire estate shall not take place; but instead thereof, and as a punishment to the defaulter for his withholding the accounts in his possession, it shall be competent to the Governor General in Council to impose such fine as he may judge proper, on consideration of all the circumstances of the case; in addition to any fine that may have been previously imposed upon the defaulter, in conformity to Clause First, of Section XXIX, Regulation VII, 1799, or any other existing regulation, such fine to be levied by the same process as is prescribed for the recovery of arrears of revenue. Provided further, that if in any case a proprietor of land, required to produce the accounts of his estate for the purpose of adjusting the public assessment upon a portion of it for sale, shall, by pertinaciously withholding such accounts, voluntarily cause the sale of his entire estate, under the provision now made for such cases, the surplus produce of the sale, after discharging all demands for which the sale may be ordered, with the charges of sale, shall be paid to the late proprietor, notwithstanding his default; unless otherwise specially directed; as provided in similar cases by Sections IV, and V, Regulation V, 1796.

Should the proprietor at any time previously to the day of sale conform to the requisition, the sale of the entire estate shall not take place, but it shall be competent to the Governor General in Council to impose a fine on him in addition to any that may have been imposed under Clause First, of Section XXIX, Regulation VII, 1799.

Should the proprietor by withholding the accounts cause his entire estate to be sold, the surplus after all deductions shall be paid to him notwithstanding his default unless otherwise specially directed as provided by Sections IV, and V, Regulation V, 1796.

VI.

Board of revenue empowered to cause the sale of estates of which the sudder jumma does not exceed five hundred sicca rupees; and in certain cases, estates of higher value in one lot; the surplus produce to be paid to the former proprietor.

VI. By Section II, Regulation V, 1796, it is required in all cases of public sales of land, that the collector, or other officer to whom the sale may be committed, shall be careful to select such lands as may appear likely to sell for the amount to be recovered by the sale; and no more. The unqualified operation of this rule has been found prejudicial to the public interests in the sub-division of small estates; as well as to the proprietors of such estates by parcelling them in lots so inconsiderable as to prevent a competition for the purchase of them. It is therefore hereby enacted, that whenever it may be necessary to have recourse to a public sale of land for the recovery of an arrear of revenue, or other public demand; and the total sudder jummia or annual assessment of the estate shall not exceed five hundred sicca rupees, instead of selling a portion of such estate in conformity to the rule abovementioned, the board of revenue are authorized, if they shall judge the same advisable, to sell, or cause to be sold in the mode prescribed by the regulations, the entire estate in one lot; and if the amount offered shall exceed the sum due, with interest, and the charges of sale; the overplus is to be paid to the former proprietor (unless by any special order it may be otherwise directed) as provided by Section V, of the regulation abovementioned. The board of revenue are also authorized, whenever the amount to be recovered by a sale of land shall bear such proportion to the computed value of the whole estate as may be calculated to leave only an inconsiderable surplus on the sale of the entire estate, to make or cause to be made the sale of the entire estate, in the manner prescribed by the regulations, though the total annual assessment should exceed the sum of five hundred sicca rupees above limited. In such cases, the value of the lands for sale is to be computed from the best information procurable of their produce and extent, compared with the amount of the assessment upon them, and the current value of similar lands.

Rule contained in Section III, Regulation V, 1796, not meant

VII. In explanation of the rule contained in Section III, Regulation V, 1796, for the public sale of estates of considerable

extent

extent in distinct lots, it is hereby declared that this rule is not meant to require the division and distinct allotment of a pergunnah, turruf, or other established local division. On the contrary, all established local divisions of known limits are, as far as possible, to be preserved entire in every public sale of lands; and to regulate in general the sub-division of landed property, when an estate may be divided at the public sales, and a portion disposed of as a distinct estate.

to require the division and distinct allotment of a pergunnah, turruf, or other established division.

Such divisions to be preserved entire in all sales as far as possible.

VIII. Section X, Regulation I, 1793, prescribes the general rule and principle for the allotment of the fixed assessment upon all divisions of estates, whether publicly sold, or transferred by the private act of the proprietors, viz. that the assessment upon the portion of the estate to be separated, shall bear the same proportion to its actual produce, as the fixed assessment upon the whole estate may bear to its actual produce. This rule is to be strictly observed in all cases, whether of public sale, or private transfer, or of division between sharers, heirs, or joint proprietors of whatever description; and it is hereby explained, that by the term "actual produce," is to be understood the neat annual rent, or other neat produce receivable by the proprietor, after deducting from the gross rent or other gross produce, the actual expence of collection, and other usual charges of management; inclusive of poolbundy or the expence of embankments, and similar incidental expences, where such may be paid by the proprietor from his gross receipts; but exclusive of his malikanah or proprietary income, and all other personal appropriations of the gross produce of his estate; as such can have no claim to consideration in determining the neat produce for an equal division of landed property; or for the allotment of the public assessment thereto in conformity to the prescribed rule. But the above regulation further provides, that the produce to which the general rule of proportion is to be applied, shall be ascertained in the mode that is or may be prescribed by the Governor General in Council; and the putwarry accounts furnished in pursuance of Clause

Section X, Regulation I, 1793, to be strictly observed in all cases of public sale, and private transfer or division.

Explanation of the term "actual produce."

Fourth,

Fourth, of Section LXII, Regulation VIII, 1793, for the allotment of the public revenue, agreeably to the principles laid down in Regulation I, 1793, having in many instances proved fallacious or unsatisfactory; and in some instances not being procurable by the officers of government; it is hereby enacted, that whenever the collector, or other public officer, to whom the allotment of the assessment upon the portion of an estate may be committed, shall have reason to suspect the accuracy of the village accounts produced by a putwarry, in pursuance of Clause Fourth, of Section LXII, Regulation VIII, 1793, or of any other regulation; or if such accounts shall be found to have been fabricated, or altered, or not to be the true accounts, under the process prescribed in Clause Eighth, of the above section and regulation; or, if in any case the true village accounts of the lands, rents, receipts, and disbursements, may not be forthcoming; but the collector or other officer, under the powers vested in him by Clause First, of Section XXIX, Regulation VII, 1799, or any other regulation, shall have obtained satisfactory accounts for the three past years, of the lands and rents of the entire zemindarry, talook, or other estate, with a specification of the mehal or mehals proposed to be separately assessed; he shall adjust the assessment upon such mehal or mehals, under the general rule of proportion, according to the average neat produce (as above explained) ascertainable from the general accounts of the estate so obtained, without further regard to the village accounts than may appear to him proper, with a view to compare and check the other accounts. Provided however, that in all cases, the collector or other officer shall adopt every authorized measure to obtain the most accurate accounts procurable; and shall fully satisfy himself that the accounts, from which he may compute the neat produce of an estate to be divided and distinctly assessed, are sufficiently accurate to prevent any risk of loss to government from the proposed allotment of the assessment; without evidence of which no distinct assessment is to be proposed by any collector, or approved by the board of revenue. Provided further, that nothing in this regulation shall be understood to authorize the collectors

Officer to whom the allotment of the assessment of a portion of an estate may be committed, how to proceed, should he suspect the accuracy of the putwarry accounts, or should they not be forthcoming.

Nothing in this regulation to be understood to authorize the

lectors to fix the amount of the aſſeſſment to be allotted upon the portion of an eſtate, whether publicly or privately diſpoſed of, without the ſanction of the board of revenue; or to alter the proviſions made for the correction of error or colluſion in ſuch allotments by Section XXV, Regulation XXV, 1793, in caſes of private diviſions of eſtates; and by Clauſe Second, of Section XXIX, Regulation VII, 1799, in caſes of public ſales. Moreover, nothing in this regulation is meant to ſuperſede the rules contained in Section LXII, Regulation VIII, 1793, reſpecting the village putwarries; and, with a view to render the ſame more effectual, Clauſes Third, Fourth, Fifth, Sixth, Seventh, and Eighth, of the above ſection, are hereby declared to be equally applicable to all other deſcriptions of native agents employed by the landholders in the management of their eſtates; or in keeping any accounts of their lands, rents, receipts, or diſburſements. If any ſuch agent ſhall be convicted in the zillah court of having colluſively fabricated or altered the accounts delivered by him, or of having wilfully delivered any other than the true accounts; the offender, beſides the puniſhment for perjury to which he will be liable under Clauſe Eighth, of the above ſection, ſhall be ſubject to diſmiſſion from the ſervice of the party employing him, by order of the court: and ſuch party ſhall be poſitively prohibited from again employing the offender, under whatever penalty the court may think proper to fix upon conſideration of the circumſtances of the caſe.

collectors to fix the amount of the aſſeſſment on a portion of an eſtate, without the ſanction of the board of revenue; or to alter the proviſion of Section XXV, Regulation XXV, 1793, & Clauſe Second, of Section XXIX, Regulation VII, 1799.

Rules in Section LXII, Regulation VIII, 1793, reſpecting the village putwarries not ſuperſeded by this regulation.

Clauſes Third, Fourth, Fifth, Sixth, Seventh, and Eighth, of that ſection, extended to all native agents employed by landholders in the management of their eſtates.

Any native agent convicted in a zillah court of altering accounts or not delivering the true ones, to be diſmiſſed from the ſervice of the party employing him, and ſuch party prohibited from employing him again, under penalty.

IX. Whenever it may be requiſite to diſpoſe of the whole of an eſtate by public ſale for the recovery of an arrear of revenue, and it may not be neceſſary from the large extent of the eſtate, or otherwiſe, under the proviſions contained in Regulation V, 1796; and Sections VI, and VII, of the preſent regulation, to diſpoſe of the eſtate in two or more lots; there can be no difficulty in bringing the eſtate to ſale immediately on the expiration of the year for which the arrear may be due, in conformity to Section XXIII, Regulation VII, 1799, and Section XXVI, Regulation V, 1800;

Collectors to loſe no time in ſubmitting the neceſſary ſtatements of lands for ſale, in order that the ſale may take place within the firſt or ſecond month after the expiration of the year for which the arrear may be due.

1800; as in ſuch caſes no allotment of the aſſeſſment is required; and it will be ſufficient in the ſtatement to be exhibited at the time of ſale, to ſpecify the name of the eſtate, the mehals compoſing it as entered in the laſt-formed public regiſter of eſtates, and the fixed aſſeſſment thereupon. Under the foregoing proviſions, and thoſe already made by Regulations VII, 1799, and V, 1800, for the attachment of the lands antecedent to the public ſale of them; it is further expected that the collectors will be enabled, without any conſiderable delay, to adjuſt the aſſeſſment upon the portion of an eſtate propoſed to be ſold; and to tranſmit to the board of revenue, the ſtatement required by Clauſe Second, of Section XXIX, Regulation VII, 1799, to be exhibited at the time of ſale in ſuch caſes viz. ſpecifying the mehal or mehals to be ſold; their computed rent produce; and the allotment of the ſudder jumma thereto, in comformity to Section X, Regulation I, 1793. It may therefore be preſumed, that all ſales of land for arrears of revenue will hereafter take place within the firſt, or at the lateſt the ſecond month after the expiration of the year for which ſuch arrears may be due: but as inſtances may occur under Clauſe Eighth, of Section XXIII, Regulation VII, 1799, or ſome of the proviſions in the preſent regulation, wherein the ſale may take place after the ſecond month of the year, and when the proprietor, antecedent to the attachment of his lands for ſale, may have granted leaſes for the current year to farmers, ryotts, or other tenants; or may otherwiſe have concluded a ſettlement with his under-renters for the current year; the Governor General in Council, with a view to obviate any hardſhip which ſuch under-renters or tenants might ſuſtain from the immediate operation of Section V, Regulation XLIV, 1793, and Section III, Regulation III, 1796, and to promote the general encouragement of agriculture, hereby enacts, that, in ſuch caſes, the operation of the two ſections above-mentioned, whereby on a public ſale of lands for the diſcharge of arrears of the public aſſeſſment, the engagements, pottahs and leaſes, of the late proprietor (with certain exception) are cancelled from the day of ſale, ſhall be ſuſpended till the cloſe of the Bengal,

Operation of Section V, Regulation XLIV, 1793, and Section III, Regulation III, 1796, ſuſpended in certain caſes.

Fuſſily,

Fuſſily, or Willaity year, in which the ſale may have taken place; and the purchaſer during ſuch period ſhall not be entitled to demand from any under-renter or tenant of whatever denomination more than the late incumbent could have legally demanded. Provided however, that this ſuſpenſion be not conſidered applicable to any engagements, pottahs, or leaſes, evidently colluſive; nor in any caſe unleſs the ſale ſhall have taken place after the ſecond month of the year according to the era current in the province wherein the lands may be ſituated.

Suſpenſion not to take place when the engagement is evidently colluſive, nor unleſs the ſale ſhall have taken place ſubſequently to the ſecond month of the year according to the era current in the diſtrict.

X. All purchaſers of lands at the public ſales are required to attend the collector of the diſtrict wherein the lands may be ſituated, either in perſon or by their repreſentatives duly authorized, and to execute the uſual kubooleeut and kiſtbundy for the public revenue aſſeſſed upon the lands purchaſed by them. In caſes of doubt as to the real purchaſer, or of ſuſpicion that the purchaſe has been made in oppoſition to the rules contained in Clauſes Third and Fourth, of Section XXIX, Regulation VII, 1799, the collector is authorized to cauſe the perſonal attendance of the alledged purchaſer at his cutcherry, if reſident within his juriſdiction; or, if the purchaſer be reſident in any other zillah, the collector of ſuch zillah is authorized and required to cauſe the attendance of the purchaſer at his cutcherry, on the application of the collector in whoſe diſtrict the lands may lie, and to make any examination or enquiry that may be deſired by the latter collector, or by the board of revenue; to whom a full report is to be made in ſuch caſes for the orders of the Governor General in Council, as directed in Clauſe Fourth, of Section XXIX, Regulation VII, 1799. It is further hereby declared, that the collectors are generally empowered to cauſe the perſonal attendance of any landholder or other native inhabitant within their reſpective jurisdictions, when the attendance of ſuch perſon may be indiſpenſibly neceſſary for the purpoſe of any authorized public enquiry; or to enable them to perform any part of their public duty under the regulations or inſtructions of the Governor General

Collectors authorized to cauſe the attendance of any landholder or other native whoſe attendance may be required.

Not to enforce personal attendance of a principal provided that of an authorized agent will be sufficient.

neral in Council, or board of revenue. But no collector shall cause the personal attendance of any landholder or other person, who may appoint an agent duly authorized to attend for him; if the attendance of the agent so appointed shall be sufficient for the purpose required. Any infringement of this rule will subject the collectors to a prosecution for damages in the civil courts; and whenever they may have occasion to exercise the power now declared to be vested in them, they are to issue regular summonses, under their official seals and signatures, specifying the name, designation, and residence of the party summoned, and the purpose or purposes for which his attendance is required.

Collectors subject to prosecution for damages for any infringement of this rule.

Regular summons under the seal and official signature of the collector to be issued to persons whose attendance may be required by him.

No fractional portions of an estate to be sold as joint undivided property without the express sanction of the Governor General in Council.

XI. Under the provisions for the sale of entire estates, and assessment of portions of estates, made by this regulation, it can seldom, if ever, be necessary to sell for the recovery of an arrear of revenue a fractional portion of an estate, such as an eight anna, four anna, or other proportion, to be held in joint partnership, or common tenancy, without a previous division of the land, or distinct assessment of the revenue thereupon; and as such sales must depreciate the value of the property sold, from the uncertainty of the assessment, and responsibility attached to the share of a joint undivided estate, no sale of this nature shall hereafter take place for the discharge of an arrear of the public revenue without the express sanction of the Governor General in Council on a report of any particular case which may appear to require it. The public sale of a share in a joint undivided estate may however in some instances be necessary under decrees of the courts of judicature, or otherwise; and whenever such sales may take place they are to be made under the provisions applicable to joint estates in general, as set forth in Regulation XXV, 1793, or any other existing regulation.

Sales of this nature when necessary under decrees of the courts of justice or otherwise, to be made under the provisions of Regulation XXV, 1793, and other regulations applicable to joint estates in general.

All the provisions of Regulation XXV, 1793, explained to be applicable to joint estates held in common tenancy.

XII. Doubts having arisen to what descriptions of joint estates, the several provisions contained in Regulation XXV, 1793, were meant to be applied, it is hereby explained, that the whole

whole of the ſaid proviſions are applicable to joint eſtates held in common tenancy, viz. where all the ſharers have a common right and intereſt in the whole of the eſtate, without any ſeparate title to diſtinct lands or mehals forming part of the eſtate held under one general aſſeſſment. Many of theſe proviſions however, ſuch as thoſe which direct a compact diviſion of the lands, the ſelection of lands of equal value for the ſeveral ſhares, and other circumſtances relative to an equal partition of the eſtate, have evidently an excluſive reference to the diviſion of landed property between tenants in common or copartners with equal rights in every part of the eſtate; and cannot be applied to portions of eſtates, conſiſting of ſpecific mehals, or lands, held by purchaſe or otherwiſe from the former proprietor, and ſeparable from his eſtate under the regulations, ſubject to a proportionate allotment of the public aſſeſſment conformably to the rules preſcribed in Section X, Regulation I, 1793; but remaining annexed to the original eſtate, in conformity to that ſection, until the diſtinct aſſeſſment of the ſeparable portion ſhall have been adjuſted and ſeparately engaged for, as therein provided. In ſuch caſes the proviſions in Regulation XXV, 1793, which reſpect the adjuſtment of the aſſeſſment in conformity to Regulation I, 1793, the accounts to be delivered and examined for this purpoſe, the reſponſibility of the whole original eſtate until a diſtribution of the aſſeſſment ſhall have been finally determined, and Section XXV, reſerving to the Governor General in Council the power of ordering a new allotment of the aſſeſſment in the event of its being proved to his ſatisfaction within three years that the allotment made was fraudulent or erroneous, are alone to be conſidered applicable; with the further proviſions contained in Section VIII, of the preſent regulation. But all new allotments of the aſſeſſment in the caſes here referred to, as in all other caſes whatever, are to be reported for the ſanction of the board of revenue; and are not to be deemed concluſive or valid till confirmed by that board; or, in the event of any reduction of the fixed aſſeſſment, till approved by the Governor General in Council.

The proviſions in Regulation XXV, 1793, reſpecting the adjuſtment of the aſſeſſment in conformity to Regulation I, 1793, with the further proviſions contained in Section VIII, of the preſent regulation, are alone applicable to the caſe of a ſpecific mehal being ſold or transferred.

No new allotments to be held valid, until confirmed by the board of revenue, or in caſe of a reduction of the jumma, by the Governor General in Council.

XIII.

Additional rules for the division of joint estates in common tenancy.

XIII. *First.* Some of the rules contained in Regulation XXV, 1793, for the division of joint estates in common tenancy, having been found productive of delay in the partition of such estates, the following rules are prescribed in addition thereto; and in qualification of the original rules referred to.

Collectors on receipt of the application specified in Section III, Regulation XXV, 1793, to proceed to make a division of the estate without waiting for the sanction of the board of revenue, reporting it however to them.

*Second.* On receipt of the written application specified in Section III, Regulation XXV, 1793, from all the proprietors of a joint undivided estate, the collector, instead of forwarding such application to the board of revenue, and waiting their sanction to make the division applied for, shall at once proceed to make the division in the prescribed mode, reporting the same for the information of the board of revenue.

To proceed in the same manner on receipt of the application specified in Clause First, of Section IV, Regulation XXV, 1793.

*Third.* On receipt of the written application specified in Clause First, of Section IV, Regulation XXV, 1793, from one, two, or more of the proprietors of a joint undivided estate, the collector shall also proceed to make the division applied for, in the prescribed mode, reporting the same for the information of the board of revenue; unless the person or persons in possession of any part of the estate shall deny the right of the party or parties applying for the division, in the form required by Section V, of the above regulation; in which case the collector is not to proceed to the division until the disputed title be established or admitted, as prescribed by the section in question.

On receipt of the report of the aumeen on the division of lands required by Section XVIII, Regulation XXV, 1793, collectors to furnish the sharers with a copy of the statement required by Section XIX, of the same regulation.

*Fourth.* On receipt of the aumeen's report upon the division of the lands and allotment of the assessment required by Section XVIII, Regulation XXV, 1793, the collector shall, as speedily as possible, prepare the partition statement prescribed in Section XIX, of the above regulation; and furnish the sharers with copies of it as therein directed. In the event of the whole of the sharers, by a written declaration under their seals and signatures, and attested by four credible witnesses, declaring their satisfaction with the partition statement so communicated to them;

or

or in the event of none of the ſharers offering any objection thereto within fifteen days after they ſhall have reſpectively received the copies delivered to them; the collector, on receipt of the general declaration of ſatisfaction in the former caſe, or in the latter, on the expiration of the period above ſtated, ſhall proceed to put the parties in poſſeſſion of their reſpective ſhares, reporting the ſame to the board of revenue; and ſubmitting to them a copy and tranſlation of the partition ſtatement and allotment of the aſſeſſment. But ſuch allotment of the aſſeſſment ſhall not be deemed concluſive until it ſhall have been confirmed by the board of revenue, who are authorized to make any alterations therein which may appear to them neceſſary for the purpoſe of carrying into effect the proportionate rule of allotment preſcribed in Section X, Regulation I, 1793; and Section VIII, Regulation XXV, 1793.

On their declaring themſelves ſatisfied with the partition, collector to proceed to put them in poſſeſſion of their reſpective ſhares.

*Fifth.* In the event of any objections to the partition ſtatement being offered by the ſharers, or any one of them, within the period of fifteen days ſpecified in the preceding clauſe, the collector is not to put the parties in poſſeſſion; but is to tranſmit without delay a copy and tranſlation of ſuch objections to the board of revenue; together with a copy and tranſlation of the partition ſtatement; and of the whole, or ſuch part of the aumeen's report as may be applicable to the points objected to; and ſuch further information as may be neceſſary to enable the board to form a ſatisfactory opinion of the caſe. Sections XIX, XX, and XXI, of Regulation XXV, 1793, are to be applied to the determination of the board of revenue in ſuch caſes, but with the following qualifications, viz. The report required to be made by Section XIX, to the Governor General in Council ſhall be diſcontinued except in caſes of appeal; or of a reduction of the fixed aſſeſſment; ſecondly, the period fixed by Section XX, for an appeal to the Governor General in Council from the determination of the board of revenue, ſhall be hereafter limited to one month from the communication of their deciſion to the parties; and thirdly, in the event of the partition propoſed by the collector

Collector how to proceed in caſe of objections to the partition.

Board of revenue to decide on the objections, except in caſes of appeal or of reduction of the fixed aſſeſſment, when the deciſion is to reſt with the Governor General in Council.

Period for appeals limited to one month.

In the event of the diviſion be-

ing approved by the board of revenue, the collector to proceed to put the parties in possession notwithstanding that an appeal may be made to the Governor General in Council.

tor being confirmed by the determination of the board of revenue, the collector shall proceed to put the parties in possession according to such decision, notwithstanding the appeal to the Governor General in Council; subject to such alterations in the division of the lands, or allotment of the assessment, as may be ordered by the ultimate decision of the Governor General in Council.

No objections to the partition made by the collector shall be received by the board of revenue after fifteen days, unless good cause be assigned for the delay, nor by the Governor General in Council from the decision of the board of revenue after one month, except on the same grounds.

*Sixth.* No objections from the sharers to the partition communicated to them by the collector in the first instance shall be received by the board of revenue after the prescribed period of fifteen days, without good cause for the delay being shewn to their satisfaction; nor will any appeal from the determination of the board of revenue be admitted by the Governor General in Council after the limited period of one month, unless he shall be entirely satisfied with the cause assigned for not having preferred the appeal to him within that period.

Governor General in Council, or board of revenue, when objections appear groundless, vexatious, or litigious, to impose a fine on the defaulter.

*Seventh.* Whenever the objections to the collector's partition, which may be preferred to the board of revenue; or the appeal from the determination of that board to the Governor General in Council, shall clearly appear to be groundless, vexatious, and litigious, it shall be competent to the board of revenue in the former case, and in the latter to the Governor General in Council, to impose such fine upon the defaulter as may be deemed proper on consideration of the circumstances of the parties and nature of the case. Such fine shall be recovered by the same process as is prescribed for the recovery of arrears of revenue.

Governor General in Council will impose a fine on any person withholding accounts or otherwise obstructing the division of an estate.

*Eighth.* If any of the sharers in a joint undivided estate shall by withholding the requisite accounts and papers, or by any other voluntary act, impede or oppose the division of the estate when the same may have been ordered and proceeded upon in the mode prescribed by the regulations, the party or parties so offending shall on the report of the collectors and board of revenue be liable to such fine as the Governor General in Council,

on

on consideration of the circumstances of the case may judge proper to impose, and the fine so ordered shall also be levied in the mode prescribed by the regulations for the recovery of arrears of revenue. It is hereby further explained, that whenever a daily fine may be imposed, under any part of the regulations, for the purpose of causing the delivery of accounts or otherwise; and such fine may be imposed in the first instance by the collectors, or by the board of revenue, subject to the confirmation of the Governor General in Council; the operation of such daily fine, provided it be approved by the Governor General in Council, or of such part thereof as may receive his approbation, shall commence from the date when the fine may have been first notified to the party on whom it is imposed; unless, in any case, it should be otherwise ordered by the Governor General in Council: or be otherwise provided by the original order of the collector or board of revenue.

Daily fine for causing the delivery of accounts or otherwise to commence from the date when it may have been first notified to the parties, unless otherwise ordered or provided.

XIV. The rules contained in Regulation VIII, 1793, for the separation of certain talookdars, the actual proprietors of the lands composing their talooks, from the zemindarries to which they were attached at the period of the decennial settlement, having been construed to entitle talookdars of that description, who did not apply for separation at the time of the decennial settlement, to be separated on their application at any subsequent period; and it being necessary for the security of purchasers at the public sales that some period should be fixed for the operation of the above rules, to prevent their being at all times liable to deprivation of a part of their purchases; it is hereby required, that all talookdars who, as proprietors of the lands composing their talooks, may consider themselves entitled under Section V, Regulation VIII, 1793, or any other part of that regulation, to be separated from the zemindarries to which their talooks are attached, shall prefer a written application to the collector of the zillah in which their talooks may be situated for the separation thereof, within one year from the date of this regulation, under

All talookdars who may consider themselves entitled to have their talooks separated to apply to the collector of the zillah within one year from the date of this regulation, after which period no talook will be considered separable unless such application shall have been made.

under penalty of forfeiting all title to separation under Regulation VIII, 1793, if they shall omit to apply as directed within the prescribed period; at the expiration of which the operation of the section abovementioned shall be considered extinct with regard to all talooks for which no claim to separation may have been then preferred; and such talooks shall thereafter be considered as dependant talooks, not entitled to be separated from the zemindarries to which they may be attached; though in other respects the rights of the talookdars are not meant to be in any degree affected by this regulaton. It is further hereby declared, that the rules regarding separable talooks contained in Regulation VIII, 1793, were never meant to be applied to any new talooks constituted since the period of the decennial settlement. By Section IX, Regulation I, 1793, the zemindars and all other proprietors of land have been declared at liberty to transfer by sale, gift, or otherwise, their proprietary rights in the whole or any portion of their respective estates; but by Section X, of the same regulation, it is required that all such transfers be notified to the collector of the zillah, that the fixed jumma assessed upon the whole estate may be apportioned on the several shares in the manner therein prescribed; that the names of the proprietors of each share and the jumma assessed thereon may be entered upon the public registers; and that separate engagements for the payment of the jumma assessed upon each share may be executed by the proprietors, who are thenceforward to be considered separate proprietors of distinct estates; but until such notification and separation shall have been made, the whole of the estate is declared responsible to government for the discharge of the fixed jumma assessed upon it, in the same manner as if no transfer had taken place. This declaration is also repeated in Section XXVIII, Regulation XXV, 1793, which contains the specific rules established by government for the division of estates paying revenue, and the allotment of the jumma upon the several portions thereof. If therefore any zemindar shall have disposed of his proprietary rights in any portion of his zemindarry, subsequently to the promulgation of

Rights of the talookdars in other respects not meant to be in any degree affected by this rule.

Rules contained in Regulation VIII, 1793, regarding separable talooks declared not applicable to any taiook constituted since the decennial settlement.

of the regulation abovementioned, whether under the denomination of an independent talook or otherwiſe, and the talookdar or other perſon to whom the portion of an eſtate may have been ſo transferred, ſhall have omitted to obtain a ſeparate allotment of the public aſſeſſment thereon, in the mode preſcribed by the regulations, ſuch transfer, as far as reſpects the rights of government, muſt be conſidered altogether invalid; and if the land, ſo privately transferred, but not ſeparately aſſeſſed, ſhould have been ſince, or ſhall be hereafter, included in any public ſale for arrears of revenue, the illicit and imperfect private transfer, muſt be deemed to have been altogether done away. In ſuch caſes the lands transferred, until publicly regiſtered and ſeparately aſſeſſed, form part of an undivided eſtate; and as ſuch are liable to be ſold for any arrear of revenue which may be due from any part of the eſtate. Provided however, that nothing in this ſection be conſidered applicable to dependant talooks, or other tenures dependant on the eſtate to which they are attached, and from which, by their title deeds or otherwiſe, they are not entitled to be ſeparated as a diſtinct eſtate. Section VI, Regulation XLIV, 1793, authorizes and confirms ſuch tenures, ſubject to the reſtrictions contained in Sections II, and V, of that regulation; with the explanation of the latter in Section VII, Regulation IV, 1794: and Clauſe Fifth, of Section XXIX, Regulation VII, 1799.

Transfer of the proprietary right in portions of eſtates ſince the date of Regulation XXV, 1793, without obſervance of the rules contained in that regulation, and Regulation I, 1793, declared invalid as far as reſpects the rights of government.

Nothing in this ſection to be applied to dependant talooks or other dependant tenures.

XV. The whole of the proviſions contained in this regulation, as applied to Regulation VII, 1799, are to be conſidered equally applicable to Regulation V, 1800; whereby the rules contained in Regulation VII, 1799, were extended to the province of Benares: and in like manner the proviſions, in this regulation which have reference to Regulation XXV, 1793, are to be conſidered in force within that province, under the extenſion of the above regulation to it by Regulation XXVI, 1795.

Rules contained in this regulation as applied to Regulations XXV, 1793, and VII, 1799, equally applicable to the correſponding regulations for the province of Benares.

# A. D. 1801. REGULATION II.

A REGULATION *for the more ſpeedy and effectual adminiſtration of juſtice in the courts of ſudder dewanny and nizamut adawlut.*—PASSED *by the Governor General in Council, on the 12th March* 1801; *correſponding with the 1ſt Chyte* 1207 *Bengal era; the 12th Chyte* 1208 *Fuſſily; the 1ſt Chyte* 1208 *Willaity; the 12th Chyte* 1858 *Sumbut; and the 26th Showaul* 1215 *Higeree.*

WHEREAS by Section II, Regulation VI, 1793, the court of ſudder dewanny adawlut conſiſts of the Governor General and the Members of the Supreme Council; and by Section LXVII, Regulation IX, 1793, the court of nizamut adawlut conſiſts of the Governor General and the Members of the Supreme Council, aſſiſted by the head cauzy of Bengal, Behar and Oriſſa (whoſe juriſdiction is extended by Regulation XLIX, 1795, to the province of Benares), and two muftees; and whereas by reaſon of the various public duties of the Governor General and of the Members of the Supreme Council, unavoidable delays have ariſen in the proceedings of the ſaid courts, and it was there-

fore

fore deemed neceſſary, with a view to prevent the accumulation of appeals in the ſudder dewanny adawlut, to limit the appeals to that court as provided by Regulations XII, 1797, and V, 1798; notwithſtanding which limitations, the number of undecided cauſes in appeal has unavoidably increaſed; and whereas it is eſſentially neceſſary to the impartial, prompt, and efficient adminiſtration of juſtice, and to the permanent ſecurity of the perſons and properties of the native inhabitants of theſe provinces, that the Governor General in Council exerciſing the Supreme Legiſlative and Executive Authority of the State ſhould adminiſter the judicial functions of the government by the means of courts of juſtice, diſtinct from the legiſlative and executive authority of the State; and whereas it is important to the honor and ſtability of the Britiſh government, and to the happineſs and proſperity of the native ſubjects of theſe provinces, that further proviſion ſhould be made for the more effectual diſpatch of the proceedings of the ſaid courts of ſudder dewanny adawlut, and nizamut adawlut, and that the exerciſe of the judicial functions of this government ſhould be more diſtinctly ſeparated from the legiſlative and executive authority thereof: His Excellency the Moſt Noble the Governor General in Council hath enacted the following regulation, to be in immediate force throughout the provinces of Bengal, Behar, Oriſſa, and Benares.

Section II, Regulation VI, and Section LXVII, Regulation IX, 1793, repealed.

II. Section II, Regulation VI, 1793, and Section LXVII, Regulation IX, 1793, are hereby repealed.

Sudder dewanny adawlut to conſiſt of a member of the Supreme Council as chief judge, and two puiſne judges to be ſelected from among the covenanted civil ſervants, not members of Council.

III. The court of ſudder dewanny adawlut ſhall henceforth conſiſt of three judges, to be denominated reſpectively, chief judge, and ſecond, and third judge, of the ſudder dewanny adawlut. The ſaid chief judge ſhall not be the Governor General, nor the Commander in Chief; but ſhall be one of the members of the Supreme Council, to be ſelected and appointed by the Governor General in Council, and the ſaid ſecond and third judges ſhall be ſelected and appointed by the Governor General in Council,

Council, from among the covenanted civil ſervants of the Company, not being members of the Supreme Council.

IV. The chief judge, and each of the puiſne judges, who may be appointed to the court of ſudder dewanny adawlut, previous to entering upon the execution of the duties of his office, ſhall take and ſubſcribe before the Governor General in Council, the ſame oath, as is required to be taken and ſubſcribed by the judges of the provincial courts of appeal, according to the form preſcribed in Section II, Regulation V, 1793.

The judges to take an oath ſimilar to that preſcribed for judges of the provincial courts of appeal.

V. The court of ſudder dewanny adawlut conſtituted by Section III, of this regulation, ſhall poſſeſs all the powers veſted under the exiſting regulations in the court of ſudder dewanny adawlut, which was conſtituted by Section II, Regulation VI, 1793; and ſhall perform all the duties required to be performed by that court under Regulation VI, 1793, and under all other regulations which have been paſſed and publiſhed in the mode preſcribed by Regulation XLI, 1793; ſubject to all the modifications and proviſions contained in ſuch regulations; and to the following further proviſions.

The court ſhall poſſeſs all the powers and perform all the duties deſcribed in former regulations, under the modifications preſcribed therein, and the following further proviſions.

VI. The court of ſudder dewanny adawlut is to be an open court, and to be holden as directed in Section III, Regulation VI, 1793, as ſoon as a convenient place ſhall have been provided for the purpoſe. Two judges ſhall be neceſſary to hold a court; and no decree or final order of the court ſhall be valid unleſs paſſed by two judges preſent. In the event of any difference of opinion ariſing when the three judges ſhall be preſent in court, the voices of the majority ſhall determine the queſtion; but if a difference of opinion ſhould ariſe when two judges only ſhall be preſent in court, the queſtion then before the court ſhall be poſtponed for adjudication, until the third judge ſhall attend. The judge, who may be abſent when any ſuch caſe ſhall occur, ſhall be duly adviſed of the ſame, by the regiſter to the court; and the chief judge ſhall

To be an open court, and to be held by not leſs than two judges, and no decree or final order to be valid, unleſs paſſed by two judges at leaſt.

Rules in caſes of difference of opinion between the judges preſent.

inſtruct

instruct the register to summon a special sitting of the court, for the adjudication of the question; or the chief judge shall order the said question to be brought forward for adjudication, at the next ensuing ordinary sitting of the court, when all the said judges shall be present. The ordinary sittings of the court shall be holden on three fixed days in each week: and special sittings, when necessary, shall be summoned by the register, on his receiving orders for that purpose from the chief judge; or, (during the absence or indisposition of the chief judge) from the senior judge at the presidency: who is hereby declared to be vested with the same powers as are vested in the chief judge, whenever the chief judge may quit the presidency; or, from indisposition or other cause, may be unable to attend the court, and also whenever the chief judge shall desire the senior judge present to officiate for him. It shall further be competent to the chief judge, or to any judge of the court, to whom this duty may be delegated by the court at large, to receive petitions of appeal, or any other petitions receivable by the sudder dewanny adawlut, and to proceed thereupon as the regulations authorize, and direct; so that all such petitions be received in open court; and that no decision or final order be passed thereupon, otherwise, than in the presence of two judges; nor any order which may be repugnant to a previous decree or order of the court. Any one or more of the judges of the sudder dewanny adawlut, may also take the depositions of witnesses in open court; instead of causing the same to be taken by the register, as authorized by Regulation VI, 1793; in cases where this mode of examination may be judged advisable; and, generally, the judges of the sudder dewanny adawlut are authorized to regulate the mode and order of their own proceedings; as well as the execution of their process; subject to the rules prescribed by the regulations. Every decree shall be signed by the judges present at the passing of such decree; and all process issued from the court shall be signed by the register, under such instructions as may be prescribed by the court for his guidance, in conformity to Section V, Regulation XIII, 1793; which empowers the

Ordinary sittings to be thrice in a week, and special sittings, when necessary, how to be summoned.

Powers vested in the senior judge present in the absence of the chief judge.

The chief judge or any other judge duly empowered, may receive petitions, and proceed thereon, but not to pass any final decree or order.

Any judge may take depositions instead of causing them to be taken by the register.

Court to regulate the mode and order of their own proceedings under the rules prescribed in the regulations.

Decrees to be signed by the judges present, and all process by the register.

the judges of the ſeveral courts of juſtice, civil and criminal, to aſſign to all miniſterial officers, attached to theſe courts, the duties to be performed by them reſpectively.°

Recapitulation of former regulations for ſuſpending judges of provincial, zillah and city courts in caſes of miſconduct.

VII. By Section XIII, Regulation VI, 1793, the court of ſudder dewanny adawlut is empowered to ſuſpend from office, any judge or judges of the provincial, zillah, or city courts, for wilful diſobedience or neglect of any proceſs, rule, or order of the court of ſudder dewanny adawlut, or for a falſe return thereto. Such ſuſpenſion to be notified within ten days, with all relative proceedings and papers, for the determination of the Governor General in Council. By Section XV, Regulation V, 1793, the court of ſudder dewanny adawlut is veſted with a ſimilar power in caſes of diſobedience, neglect, or falſe return to any proceſs, rule, or order, of a provincial court of appeal, by any judge of a zillah or city court; and by Section X, Regulation V, 1793, in all caſes not expreſsly provided for, in which it ſhall appear to the provincial courts of appeal, that the judges of the zillah or city courts, have been guilty of negligence or miſconduct, in the diſcharge of their duty, a report of the circumſtances is directed to be made to the ſudder dewanny adawlut. But it is not defined by the regulations in what manner the court of ſudder dewanny adawlut is to proceed on the receipt of ſuch reports, or on the receipt of ſimilar reports directed to be made to that court by Section X, Regulation XIII, 1793, in caſes of neglect or miſconduct (other than corruption or extortion, for which a ſpecial rule is eſtabliſhed,) by the regiſters to the provincial, zillah, or city courts; or their aſſiſtants; or by any other miniſterial officers who may be covenanted ſervants of the Company. It is therefore enacted, that whenever a report of negligence or miſconduct in the diſcharge of official duty may be made to the court of ſudder dewanny adawlut, either in purſuance of the latter part of Section X, Regulation V, 1793; or of Section X, Regulation XIII, 1793, or in any caſe not expreſsly provided for by the regulations, the court of ſudder dewanny adawlut after

Not defined by former regulations how the court of ſudder dewanny adawlut is to proceed on reports of neglect or miſconduct in certain caſes.

Rules for the future guidance of the ſudder dewanny adawlut, in ſuch caſes.

ſuch

ſuch enquiry as may be judged neceſſary, in proof or explanation of the circumſtances ſtated, ſhall, if the caſe appear to require the notice of the Governor General in Council, report the ſame to him, with a copy of all proceedings and papers received on the ſubject of it, for ſuch orders as may be judged proper. The court of ſudder dewanny adawlut is directed to report to the Governor General in Council, all inſtances of wilful neglect of duty or aggravated miſconduct by a covenanted ſervant of the Company, employed in any of the civil courts, whether in a judicial or miniſterial capacity; and whether ſuch neglect or miſconduct may have been reported to the court of ſudder dewanny adawlut, by a provincial, zillah, or city court; or may otherwiſe appear from the proceedings and papers before the court. But if the caſe ſhould appear to the court to involve an error of judgment only, or a ſlight default for which an admonition from the court may be deemed a ſufficient correction, the court of ſudder dewanny adawlut, in the former caſe, is authorized to notice the error for the information and guidance of the party who may have committed it; or, in the latter caſe, to adviſe him of his default, and to admoniſh him accordingly.

In what caſes court to report to the Governor General in Council.

Errors of judgment or ſlight defaults how to be corrected.

VIII. The limitation of appeals to the court of ſudder dewanny adawlut from the deciſions of the provincial courts of appeal, ſhall, for the preſent, remain as preſcribed by Regulations XII, 1797, and V, 1798, with this qualification, that in all caſes wherein an appeal may lie under the exiſting regulations to a provincial court of appeal, from the deciſion of a zillah or city court; and in which the provincial court may have refuſed to admit the appeal, on the ground of delay, informality, or other default in preferring it; or after having admitted the appeal, may diſmiſs it on the ground of ſome default, without inveſtigation of the merits of the cauſe; it ſhall be competent to the ſudder dewanny adawlut to receive an appeal from the order or diſmiſſal of the provincial court; whatever may be the amount or value at iſſue in the cauſe; provided ſuch appeal be preferred in conformity to the

Modification of exiſting rule for limiting appeals to the ſudder dewanny adawlut, in caſes of default; and rules of proceeding in ſuch caſes.

rules

rules prescribed with regard to other appeals to the court of sudder dewanny adawlut; and if it shall appear to that court, on examination of the proceedings of the provincial court, that the appeal was rejected or dismissed by the latter, on insufficient grounds, it may order the provincial court to receive the appeal; or to revive it, if received and dismissed; and to try and determine the cause upon its merits according to the regulations. Provided further however, that if such appeals shall on enquiry be found groundless and litigious, the court of sudder dewanny adawlut shall in all such instances, punish the litigious appellant as authorized by Section III, Regulation XIII, 1796, in other cases of ligitious appeal, viz. by a fine to government proportionate to the condition of the party, and to the circumstances of the case: and that nothing in this regulation shall be understood to authorize an appeal to the sudder dewanny adawlut, in cases wherein a decree or order may have been passed by the provincial courts of appeal before the date of the present regulation; which decree or order may have been final without liberty of appeal under the regulations then in force.

Provision respecting litigious appeals.

No appeal authorized from orders or decrees passed previous to the date of this regulation, which were final under the regulations then in force.

+ IX. The qualification contained in the preceding section, of the limitation of appeals to the sudder dewanny adawlut, is extended under the same provisions to the limitation of appeals, by the regulations now in force to the provincial courts of appeal; the judges of which are accordingly declared competent to receive an appeal from the decree or order of a zillah or city judge, and to proceed thereupon in conformity to the above section, whatever may be the amount or value at issue in the cause, in all cases wherein an appeal may lie under the existing regulations to the zillah and city judges, from the decisions of their registers; or of the native commissioners under Regulation XL, 1793, or any other regulation; and in which the zillah or city judge may have refused to admit the appeal on any ground of delay, informality, or other default in preferring it; or after having admitted the appeal, may dismiss it on the ground of some default, without investigation of the merits of the cause. The same principle is to be applied by the

The foregoing qualification of the limitation of appeals in cases of default extended to all the inferior courts.

Extended by Sec. XI. Regn. II. 18[illegible]

the zillah and city judges, to any appeals from decisions of the native commissioners, which may be referred by them to their registers, in pursuance of the authority vested in them by Regulation III, 1800; and which may be dismissed by their registers, on any ground of default without investigation of the merits of the case.

Nizamut adawlut to consist of a member of the supreme council, and two puisne judges to be selected from among the covenanted civil servants, not members of council, assisted by the head cauzy and two mufties.

X. The court of nizamut adawlut shall henceforth consist of three judges, to be denominated respectively, chief judge, and second, and third judge, of the nizamut adawlut, assisted by the head cauzy of Bengal, Behar, Orissa and Benares, and by two mufties. The said chief judge shall not be the Governor General, nor the Commander in Chief, but shall be one of the members of the Supreme Council, to be selected and appointed by the Governor General in Council, and the said second and third judges shall be selected and appointed by the Governor General in Council, from among the covenanted civil servants of the Company, not being members of the Supreme Council.

The judges to take the oath prescribed for the judges of the courts of circuit.

XI. The chief judge, and each of the puisne judges, who may be appointed to the court of nizamut adawlut, previous to entering upon the execution of the duties of his office, shall take and subscribe before the Governor General in Council, the same oath as is required to be taken and subscribed by the judges of the courts of circuit, according to the form prescribed in Section XXXIV, Regulation IX, 1793.

The court shall possess all the powers, and perform all the duties described in former regulations under the modifications prescribed therein, and the following further provisions.

XII. The court of nizamut adawlut constituted by Section X, of this regulation, shall possess all the powers vested under the existing regulations in the court of nizamut adawlut, which was constituted by Section LXVII, Regulation IX, 1793; and shall perform all the duties required to be performed by that court, under Regulation IX, 1793, and under all other regulations which have been passed, and published, in the mode prescribed by Regulation XLI, 1793; subject to all the modifications and provisions contained in such regulations; and to the following further provisions.

XIII.

XIII. The court of nizamut adawlut, is to be an open court, and to be holden as directed in Section LXVI, Regulation IX, 1793; as soon as a convenient place shall have been provided for the purpose, under the same provisions, with respect to the number of judges necessary for holding a court; to an eventual difference of opinion between the judges; to the ordinary and special sittings of the court; to its mode and order of proceeding; and to the execution of its process; as have been prescribed in Section VI, of this regulation, for the court of sudder dewanny adawlut.

To be an open court, and subject to the same provisions as prescribed in Section VI, for the sudder dewanny adawlut.

XIV. The powers vested in the court of sudder dewanny adawlut, to suspend from office any judge or judges of the provincial, zillah, or city courts, for disobedience or neglect of any process, rule, or order, of the court of sudder dewanny adawlut, or for a false return thereto; and to suspend any judge of a zillah or city court, in cases of disobedience, neglect, or false return to any process, rule, or order, of a provincial court of appeal, are hereby declared to be equally vested in the court of nizamut adawlut, in similar cases of disobedience, neglect, or false return, to any process, rule, or order, of that court, by the judges of the courts of circuit, or the zillah or city magistrates, as well as in cases of disobedience, neglect, or false return, by a zillah or city magistrate, to any process, rule, or order, of a court of circuit; and in such cases, the courts of circuit are directed to make the same reports to the court of nizamut adawlut, as the provincial courts of appeal are required to make to the sudder dewanny adawlut by Section XV, Regulation V, 1793. The court of nizamut adawlut is further authorized and directed to proceed upon reports from the courts of circuit, of neglect or misconduct, by the zillah or city magistrates, made in pursuance of Section LXIII, Regulation IX, 1793; as well as upon reports from the court of circuit and zillah, or city magistrates, of neglect or misconduct by their registers, assistants, or other ministerial officers, made in pursuance of Section X, Regulation XIII, 1793, in the same manner as the court of sudder dewanny adawlut, is authorized

The powers vested by Section VII, for suspending judges, &c. in the sudder dewanny adawlut, extended to the court of nizamut adawlut.

Reports to be made by the courts of circuit to the nizamut adawlut in cases of neglect or misconduct.

Nizamut adawlut how to proceed on such reports.

and

and directed by Section VII, of this regulation, to proceed upon similar reports to that court, of neglect, or misconduct, on the part of the judges of the zillah and city courts; or of the registers, assistants, and other ministerial officers of those courts; or, of the provincial courts of appeal: and in all cases wherein a covenanted servant of the Company employed in any of the criminal courts, or in any office of police, may appear to the nizamut adawlut to have been guilty of neglect of duty, or of other misconduct, not expressly provided for by the regulations, that court is either to report the same to the Governor General in Council, or to advise and admonish the party, as the case may require, under the provisions contained in Section VII, of this regulation, the whole of which is declared applicable to such cases.

All applications from judges and magistrates for leave of absence, to be made to the Governor General in Council;

XV. The judges of the provincial courts of appeal and courts of circuit, who by Section VI, Regulation XLVII, 1793, and Section VII, Regulation VII, 1794, are restricted from leaving their stations without the sanction of the sudder dewanny adawlut and nizamut adawlut, shall hereafter apply for leave of absence, to the Governor General in Council, in like manner, as the zillah and city judges and magistrates are required to make such applications by Section II, Regulation IV, 1796. Previous however to any provincial, zillah, or city judge, or any judge of circuit, or zillah or city magistrate, being permitted by government to quit his station, a reference shall be made to the sudder dewanny adawlut and nizamut adawlut, to ascertain the state of the public business depending before such judge, or magistrate; and whether the leave of absence desired can be conveniently granted or otherwise.

and reference to be made, in such cases, to the courts of sudder dewanny adawlut and nizamut adawlut.

Proceedings of the sudder dewanny adawlut and nizamut adawlut not to be kept in the English language further than the courts may find convenient and conducive to regularity.

XVI. The proceedings of the courts of sudder dewanny adawlut and nizamut adawlut, which have been heretofore kept in the English language, and copied for transmission to the Governor General in Council, and to the Honorable Court of Directors, are not required to be hereafter kept in English farther than the

the courts may find convenient and conducive to regularity, nor will copies of the proceedings of either court be hereafter required, except in cases of appeal to His Majesty in Council, or of reference to the Governor General in Council, as prescribed by the regulations; in which cases attested copies and translations are to be furnished as heretofore.

Copies of proceedings not required hereafter, except in case of appeal to His Majesty in Council; or of reference to the Governor General in Council.

XVII. The office of translator to the courts of sudder dewanny adawlut and nizamut adawlut, is abolished; and any translations which may be hereafter required by either court, are to be made by the register, and his assistants; or, if at any time their other official avocations should not admit of their making the requisite translations, the court is empowered to cause the same to be made by any other competent person, as authorized, with respect to trials referred to the nizamut adawlut, by Section III, Regulation X, 1799.

The office of translator to the sudder dewanny adawlut and nizamut adawlut, abolished; and such translations as may be requisite in future how to be made.

XVIII. Section XXX, Regulation VI, 1793, which requires the provincial courts to furnish the sudder dewanny adawlut with translations of all papers in the country languages transmitted to that court, whether relating to causes appealed, or to other matters, is hereby repealed; and the provincial courts, as well as the zillah and city courts, are directed to furnish hereafter translations of original papers transmitted to the sudder dewanny adawlut, in such cases only wherein translations may be required by the precepts of that court; or by any regulation or order expressly requiring the same.

Provincial, zillah and city courts, not to furnish translations of original papers sent to sudder dewanny adawlut unless expressly required.

XIX. Section III, Regulation XIX, 1797, is also hereby repealed, and the provincial courts of appeal shall not hereafter require the zillah or city courts, to furnish them with translations of proceedings and papers in causes appealed to the court of sudder dewanny adawlut, excepting in cases wherein translations may be required by that court of the proceedings held, or papers filed, in the zillah or city courts. Provided however, that in all such cases, viz. whenever

Provincial courts shall not require translations from the zillah or city courts unless required by the sudder dewanny adawlut.

How tranſlations are to be made, when required by the ſudder dewanny adawlut; from the provincial, zillah, or city courts.

whenever the court of ſudder dewanny adawlut, upon appeals to His Majeſty in Council, or otherwiſe, may have occaſion to require tranſlations of any proceedings held, or original papers filed, in a zillah or city court; ſuch tranſlations are to be prepared by the regiſters and aſſiſtants to the zillah and city courts, as provided by Section IV, Regulation XIX, 1797; which (with Section V, of the ſame regulation, where it may be neceſſary to employ occaſional tranſlators not in the civil ſervice,) is ſtill to be conſidered in force, with reſpect to any future tranſlations which may be required from the provincial courts of appeal.

# A. D. 1801. REGULATION III.

A REGULATION *for putting a ſtop to the practice, which prevails in many parts of the Company's provinces, of parties in civil ſuits preferring unfounded accuſations of perjury againſt the witneſſes in ſuch ſuits, and unfounded charges of ſubornation of perjury againſt the adverſe parties in ſuch ſuits.*—PASSED *by the Governor General in Council, on the* 19*th March* 1081 *; correſponding with the* 8*th Chyte* 1207 *Bengal era; the* 19*th Chyte* 1208 *Fuſſily; the* 8*th Chyte* 1208 *Willaity; the* 19*th Chyte* 1858 *Sumbut; and the* 3*d Zekaad* 1215 *Higeree.*

BY Section XIV, Regulation IV, 1793, extended to Benares by Section II, Regulation VIII, 1795, it is enacted, that "if "a witneſs or any perſon ſhall be guilty of wilful or corrupt per-"jury in any cauſe or matter depending in court, the judge is "immediately to commit the offender to cloſe cuſtody, to take his "trial before the court of circuit of the diviſion in which the "offence may be committed." But a practice has become very prevalent in different parts of the Company's provinces, for parties

in

in civil ſuits to prefer unfounded charges of perjury againſt the witneſſes of their opponents, and againſt their own witneſſes, where their evidence does not eſtabliſh every point, which they may have been brought to prove, and ſimilar charges of ſubornation of perjury againſt the adverſe parties in ſuch ſuits. Theſe accuſations are frequently ſupported by groſs perjury on the part of the witneſſes produced in ſupport of them; and unleſs checked, they will deter all men of reſpectability from appearing to give their teſtimony on oath in any court of juſtice, except on compulſion, and will greatly encreaſe the difficulties, which already exiſt, in obtaining the voluntary attendance of witneſſes of this deſcription, while expoſed as at preſent to the diſgrace of a commitment to jail, and of a public trial on a criminal charge. The only effectual remedy which can be applied to this abuſe, is to take away altogether from parties in civil ſuits, the right of bringing forward ſuch accuſations, and to leave it in the diſcretion of the judge, to determine when any witneſſes brought before him are guilty of perjury, which he may always be able to do by croſs queſtioning them minutely, and by confronting them, when neceſſary, with the witneſſes of the adverſe party. On this principle, the Governor General in Council has enacted the following rule, to be in force as ſoon as promulgated, throughout the provinces of Bengal, Behar, Oriſſa and Benares.

Magiſtrates not to receive charges of perjury.

II. The magiſtrates of the ſeveral zillah and city courts ſhall not receive any charges of perjury, which may be preferred by parties in civil ſuits, either againſt their own witneſſes, or againſt the witneſſes of the adverſe party, or of ſubornation of perjury againſt the adverſe parties in ſuch ſuits; and all individuals whoſe attendance is required in the civil courts either as plaintiffs, defendants, or witneſſes, are hereby declared not to be liable to any proſecutions of this deſcription, unleſs they ſhall be committed to take their trial by the zillah or city judge, under the authority veſted in him by Section XIV, Regulation IV, 1793.

Individuals attending in civil cauſes not liable to proſecutions for perjury, unleſs committed for trial by the judge.

Received 29th April 1801.

# A. D. 1801. REGULATION IV.

A REGULATION *for the modification of certain parts of Regulation* IX, 1800, *entitled* A regulation for the foundation of a college at Fort William in Bengal, and for the better instruction of the junior civil servants of the Honorable the English East India Company, in the important duties belonging to the several arduous stations to which the said junior civil servants may be respectively destined in the administration of justice, and in the general government of the British empire in India.—PASSED *by the Governor General in Council, on the* 11*th of April* 1801; *corresponding with the* 31*st Chyte* 1207 *Bengal era; the* 12*th Bysaak* 1208 *Fussly; the* 31*st Chyte* 1208 *Willaity; the* 12*th Bysaak* 1858 *Sumbut; and the* 26*th Zekaad* 1215 *Higeree.*

WHEREAS by Sections XVIII, and XIX, of Regulation IX, 1800, it was enacted, *That all the civil servants of the Company who may be hereafter appointed on the establishment of the presidency*

*presidency of Bengal, shall be attached to the college for the first three years after their arrival in Bengal, and during that period of time the prescribed studies in the college shall constitute their sole public duty;* and that *all the civil servants now on the establishment of the presidency of Bengal, whose residence in Bengal shall not have exceeded the term of three years, shall be immediately attached to the college for the term of three years, from the date of this regulation;* And whereas it has been judged expedient that no civil servant on the establishment of Bengal, who arrived in India previously to the 4th day of May 1800, should be attached to the college, who shall not have made a formal application to the Governor General in Council for permission to be attached to the said institution, under the rules, regulations, and statutes, which have been or hereafter may be established for the government thereof, and who shall not have obtained permission from the Governor General in Council to be attached to the same; and whereas certain of the civil servants of the establishment of the presidency of Bengal who were attached to the college of Fort William by Section XIX, of Regulation IX, 1800, and who arrived in India previously to the date of the said regulation, may be expected to be sufficiently qualified to pass the requisite examinations in the Oriental languages at a period of time earlier than that which is prescribed by Sections XVIII, and XIX, of Regulation IX, 1800, the Governor General in Council therefore enacts as follows.

Section XIX, Regulation IX, 1800, rescinded.

II. Section XIX, Regulation IX, 1800, is hereby rescinded, and it is hereby enacted that no civil servant of the establishment of Bengal, who arrived in India previously to the 4th day of May 1800, shall be attached to the college of Fort William, who shall not on or before the 4th day of May 1801, make a formal application to the Governor General in Council for permission to be attached to the said institution, under the rules, regulations, and statutes, which have been or hereafter may be established for the government thereof, and who shall not have obtained permission from the Governor General in Council to be attached to the same.

What civil servants who arrived in Bengal before the 4th of May 1800, shall be attached to the college.

III.

III. At the examination which ſhall be holden in the college of Fort William in the month of December 1801, the ſtudents who arrived in India within the year 1798, or previouſly to that period of time, ſhall be examined ſeparately, and ſhall be claſſed according to their reſpective proficiency in the Oriental languages, and fifteen of the ſaid ſtudents, according to the order in which they ſhall be ſo claſſed, ſhall receive certificates in the manner preſcribed by Statute VIII, of Chapter Firſt, of the ſtatutes of the college of Fort William, and ſhall no longer remain attached to the ſaid inſtitution.

The ſtudents who arrived in India in 1798, or previouſly to that time, to be examined in the Oriental languages in December 1801.

Fifteen of the ſaid ſtudents, to receive the certificates preſcribed in Statute VIII, of Chapter Firſt, of the ſtatutes of the college, and to be no longer attached to the inſtitution.

IV. At the examination which ſhall be holden in the college of Fort William in the month of December 1802, the ſtudents who arrived in India within the year 1799, or previouſly to that period of time, ſhall be examined ſeparately, and ſhall be claſſed according to their reſpective proficiency in the Oriental languages; and thirty of the ſaid ſtudents, according to the order in which they ſhall be ſo claſſed, ſhall receive certificates in the manner preſcribed by Statute VIII, of Chapter Firſt, of the ſtatutes of the college of Fort William, and ſhall no longer remain attached to the inſtitution.

The ſtudents who arrived in India in 1799, or previouſly to that time, to be examined in December 1802, and thirty of the ſaid ſtudents to receive certificates under the rules preſcribed with regard to the ſtudents who arrived in India in 1798.

# A. D. 1801. REGULATION V.

A REGULATION *for the re-eſtabliſhment, with certain exceptions, of the Calcutta town duties, aboliſhed by Section* II, *Regulation* XXXIX, 1795.—PASSED *by the Governor General in Council, on the* 14*th of May* 1801; *correſponding with the* 2*d Jeyte* 1208 *Bengal era; the* 16*th Jeyte* 1208 *Fuſſily; the* 2*d Jeyte* 1208 *Willaity; the* 16*th Jeyte* 1858 *Sumbut; and the* 30*th Zeelhej* 1215 *Higeree.*

THE Governor General in Council, having deemed it to be expedient, to re-eſtabliſh, with certain exceptions, alterations and modifications, the Calcutta town duties, aboliſhed by Section II, Regulation XXXIX, 1795, the following rules for the collection of the re-eſtabliſhed duties, are hereby enacted, to take effect from tho firſt day of June next.

II. *Firſt.* A cuſtom houſe ſhall be re-eſtabliſhed at Calcutta, for the collection of certain of the duties, heretofore levied on goods imported into the town of Calcutta, either by ſea, or from the interior of the country, under the rules hereafter preſcribed.

Cuſtom houſe re-eſtabliſhed at Calcutta, for the collection of the Calcutta town duties.

*Second.* The duties ſhall be levied by an officer, to be denominated, collector of the Calcutta town duties. Previouſly to entering

Duties to be levied by a collector.

entering upon the execution of the duties of his office, he shall take and subscribe the following oath, before the Governor General in Council, or any person whom he may commission to administer it:

"I A. B. do solemnly swear, that I will faithfully discharge the duty of collector of the Calcutta town duties; that I will not directly or indirectly, by myself or others, be concerned in, or allow of, any collections being made, but such as are authorized by, and brought to the credit of, government; that I will not be concerned directly or indirectly, in the purchase of any goods, or commodities, in the British dominions in Bengal, for the purpose of remitting money to Europe; nor, in any commercial transaction; that I will not take or receive, or knowingly allow any other person to take or receive, any present, gratuity, fee or advantage whatever, on account of any matter relating to the duty of my office, excepting such as now is, or may be hereafter authorized by the Governor General in Council.

"SO HELP ME GOD."

Five per cent commission to be levied by the collector, for his own benefit, and that of his deputy.

*Third.* The collector is authorized to levy for his own benefit, and that of his deputy, a commission of five per cent on the amount of all duties collected on goods imported into the town, whether by sea, or from the interior of the country.

The amount of the commission shall be divided between the collector and his deputy, in the following proportions:—

The collector, three-fifth parts.

The deputy collector, two-fifth parts.

Custom house to be open from nine, until two o'clock.

III. The custom house shall be open for the transaction of business, every day, (Sundays excepted) from nine o'clock in the morning, until two o'clock in the afternoon.

## IMPORTS BY SEA.

The collector how to proceed in levying the Calcutta town duties.

IV. *First.* The collector shall proceed to collect the Calcutta town duties on goods imported into the town by sea, as soon

as

as the captains or ſupra-cargoes of the veſſels on which the goods may be imported, ſhall have delivered the manifeſts of their cargoes, and ſhall have conformed to the rules directed to be obſerved by Regulations XXXIX, 1795, and XI, 1800, for the collection of the government cuſtoms on the cargoes of ſhips importing at Calcutta; and it is hereby declared, that if any commander, or ſupra-cargoe ſhall have omitted or refuſed to produce his original invoices or bills, or ſhall have produced invoices which ſhall not in the opinion of the collector exhibit the actual prime coſt of the goods; or ſhall have failed to deliver full and true manifeſts of all the goods imported in his veſſel, ſuch commander or ſupra-cargoe ſhall be ſubject to all the penalties enacted for ſuch caſes by Regulations XXXIX, 1795, and XI, 1800; and all the rules applicable to ſuch caſes contained in the ſaid regulations, are hereby declared to be extended to the collection of the Calcutta town duties.

*Second.* A duty at the rate of four per cent ſhall be levied on the Calcutta price of all goods imported into the town of Calcutta by ſea, with the exceptions hereafter ſpecified.

A duty at the rate of four per cent to be levied on the Calcutta price of all goods imported by ſea. Exceptions.

*Third.* Sixty per cent ſhall be added to the prime coſt of the articles imported from Europe or elſewhere on veſſels under foreign colours, and the duty ſhall be levied upon the aggregate amount.

Duty on goods imported on veſſels under foreign colours.

*Fourth.* The duty ſhall be levied on the inveſtments of the captains and of the officers of the Honorable Company's ſhips, and on all goods whatever belonging to individuals imported from England, on the Honorable Company's or other Britiſh ſhips, on the price of the goods ſpecified in the invoices, without any addition to ſuch price.

The duty on goods imported on the Honorable Company's ſhips, or other Britiſh ſhips, by the captains and officers of the Honorable Company's ſhips, and by individuals, how to be levied.

*Fifth.* The duty on goods the produce, or manufacture, of the coaſt of Coromandel, ſhall be levied on the invoice price of ſuch goods, with an addition, to ſuch price of fifteen per cent.

Duty to be levied on goods the produce of the coaſt of Coromandel.

*Sixth.*

Duty on the cargoes of American ships, the produce of America, how to be levied.

*Sixth.* The duties on ſuch part of the cargoes of American veſſels as ſhall be the produce of America, ſhall be levied on the account ſales of the goods duly atteſted.

Duty on the cargoes of American ships importing from places to the weſtward of the Cape of Good Hope, and alſo from places within the limits of the Company's excluſive trade, how to be levied.

*Seventh.* The duty on the cargoes of American veſſels importing from places to the weſtward of the Cape of Good Hope, ſhall be levied at the ſame rate as the duties on the cargoes of Britiſh veſſels importing from Europe; and the duty on the cargoes of American veſſels importing from places within the limits of the Company's excluſive trade, ſhall be levied at the ſeveral rates eſtabliſhed for the cargoes of Britiſh veſſels importing from places within the ſaid limits. The duty ſhall continue to be ſo levied, as long as the 13th article of the treaty with the United States of America bearing date the 19th November 1794 ſhall remain in force, and while the proviſions contained in this regulation with reſpect to ſuch duty, ſhall continue unaltered.

Duty on goods from China.

*Eighth.* The duty on goods from China ſhall be levied on the invoice price, with an addition to ſuch price, of thirty per cent.

Duty on cargoes imported in Macao ships.

Penalty in certain caſes.

*Ninth.* The duties on cargoes imported in Macao ſhips, ſhall be levied agreeably to the account ſales. In caſes, in which the owners ſhall refuſe to deliver the account ſales, and alſo, in caſes in which the collector ſhall ſuſpect that an account ſale does not exhibit a true ſtatement of the ſales, an advance of forty per cent on the prime coſt of the goods ſhall be added, and the duties ſhall be levied on the aggregate.

Duty on indigo imported from Manilla, how to be levied.

*Tenth.* The duty on indigo imported from Manilla, ſhall be levied upon a valuation to be fixed by the collector, according to the beſt information which he may be able to obtain reſpecting the value of that ſpecies of indigo at the period of its importation.

*Eleventh.*

*Eleventh.* Liquors ſhall be ſubjected to the following duties:

Rates at which the duties on liquors are to be levied.

LIQUORS IN CASKS.

| | | | |
|---|---|---|---|
| Wine of whatever kind, Rum, Brandy, Gin, and Vinegar, per pipe, Sicca Rupees | 12 | 0 | 0 |
| Batavia Arrack, per leaguer, | 55 | 1 | 3 |
| Arrack, or other ſpirituous liquors, manufactured in India (excepting Batavia Arrack), ſhall be ſubjected to the ſame duties as are charged on Arrack imported into the town of Calcutta from the interior of the country, by Clauſe Fifth, of Section VI, of this regulation. | | | |
| Beer, Porter, and Cyder, per hogſhead, | 2 | 8 | 0 |

LIQUORS IN BOTTLES.

| | | | |
|---|---|---|---|
| Cherry and Raſpberry Brandy and Cordials, Sweet Oil, and Sauces of all kinds, per dozen pints, | 1 | 0 | 0 |
| Red and White Wines, Brandy, Rum, Beer, Porter, Cyder, Perry, and Vinegar, per dozen quart bottles, | 0 | 8 | 0 |
| Gin, per caſe of 15 bottles, containing $7\frac{1}{2}$ gallons, | 1 | 0 | 0 |
| Ditto, per caſe of 12 bottles, containing $3\frac{1}{3}$ gallons, | 0 | 8 | 0 |

*Twelfth.* The uſual deduction of ten per cent, ſhall be made on account of leakage, &c. of liquors; all ullages, or parts of caſks ſhall be filled up, and their quantity aſcertained, before the caſks are removed from the cuſtom houſe. No deductions, or ullages, are to be allowed after the liquors ſhall have paſſed the cuſtom houſe.

No deductions or ullages to be allowed after the liquors have paſſed the cuſtom houſe.

*Thirteenth.* European, and all other goods, imported by ſea into any of the foreign ſettlements, and brought from the ſaid ſettlements to Calcutta, ſhall be charged with the duties to which the goods would have been liable, if they had been imported by ſea directly into Calcutta.

Duty on goods imported by ſea into the foreign ſettlements, and brought from thence to Calcutta, how to be levied.

*Fourteenth.* The cargoes of Britiſh ſhips importing at any of the foreign ſettlements, ſhall be charged with the duties to which the

Duty on the cargoes of Britiſh ſhips importing at any of the foreign ſet-

Elements, how to be levied.

the cargoes would have been liable if the ſhips had imported at Calcutta.

Parcels for individuals, or neceſſaries, to be paſſed at the diſcretion of the collector.

*Fifteenth.* Parcels for individuals, or neceſſaries, ſhall be paſſed at the diſcretion of the collector.

Articles exempted from duty.

*Sixteenth.* The undermentioned articles are declared to be exempted from duty:

Timber.

Horſes.

Bullion and coin.

Precious ſtones and pearls.

Copper imported from Madras, with a certificate ſpecifying that it has been taken from the government of that preſidency in payment of advances due on contracts with the Honorable Company.

Drawback allowed on goods imported declaredly for re-exportation by ſea.

*Seventeenth.* When goods ſhall be imported declaredly for re-exportation by ſea, a drawback ſhall be allowed, of the whole of the duty paid on importation.

A regiſter to be kept of duties collected on imports by ſea.

*Eighteenth.* All duties collected on goods imported by ſea, ſhall be entered in a regiſter to be kept in the following form: —

FORT

FORT WILLIAM REGISTER *of* CALCUTTA TOWN DUTIES *collected on* IMPORTS *by* SEA *in* *May* 1801.

| Register Number. | Date. | Number and nature of Packages. | Vessels. | From whence imported. | Vessels under what colours. | Merchants Name. | Sorts of Goods. | Quantity of Goods | Rates of Duties. | Amount of the Duties. |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | |

*Nineteenth.* The following are the forms of the registers of goods imported by sea free of duty, and of goods on which drawbacks are allowed.

Registers to be kept of goods imported by sea free of duty, and of goods on which drawbacks are allowed.

FORT

FORT WILLIAM, REGISTER *of* GOODS *imported by* SEA *into the Port of* CALCUTTA *on which a Drawback has been allowed.*

| Register Number. | Date. | Number and nature of Packages. | Vessels. | From whence imported. | Vessels under what colours. | Merchants Names | Sorts of Goods. | Quantity of Goods. | Rate of Duties. | Amount of the Drawback being equal to the amount of the Duties received. |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | |

FORT WILLIAM, REGISTER *of* GOODS *imported by* SEA *free of the* CALCUTTA TOWN DUTIES, *in May* 1801.

| Register Number. | Date. | Number and nature of Packages. | Vessels. | From whence imported. | Vessels under what colours. | Merchants Names | Sorts of Goods. | Quantity of Goods. | Amount of Invoice. |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | |

Master attendant not to grant a pilot, until furnished with a certificate of the town duties having been paid.

V. The master attendant shall not grant a pilot to any vessel, until a certificate shall be produced to him from the collector, specifying that the town duties on the import cargo of the vessel have been paid.

## IMPORTS BY LAND.

VI. *First.* The following regulations are prescribed for the collection of the Calcutta town duties on goods subject to those duties imported from the interior of the country.

Rules for the collection of the Calcutta town duties, on imports from the interior of the country.

*Second.* A duty of four per cent shall be levied on the Calcutta price of the undermentioned articles imported into Calcutta from the interior of the country:

Articles on which a duty of four per cent is to be levied.

Tobacco,
Pawn,
Beetle-nut (sooparry),
Cutch or cuth (terra japonica),
Ghee,
Pimento (or all spice), black pepper, long pepper, cardamums, cloves, mace, nutmegs, cinnamon, cassia, cummin-seed, anni-seed, and spices of every description.
Mustard-seed oil, cocoa-nut oil, and vegetable oils and oil-seeds, of every description.
Embroidered goods (keemkhabs, &c.)
Gold and silver lace,
Chunam,
Hides,
Soap and tallow.
Brass and copper utensils,
Stone plates,
Charcoal,
Raw silk,
Indigo,
Sugar, sugar candy, and goor,
Salt petre,
Turmeric,
Rose water,
Wax and wax candles,
Shawls,
Carpets (setringes and ghelechas),

Paper,

Paper, the manufacture of the British territories under the immediate government of the presidency of Fort William,
Sulphur,
Shell lac and stick lac,
Assafœtida.

Articles on which a duty of two per cent is to be levied.

*Third.* Piece goods of whatever description, cotton, and cotton yarn, shall be subject to a duty of two per cent on the Calcutta price of those articles.

Duty on Ganja, twenty per cent.

*Fourth.* Ganja shall pay a duty of twenty per cent, on the Calcutta price of that article.

Duty on spirituous liquors.

*Fifth.* Spirituous liquors imported into the town of Calcutta from the interior of the country, shall be subject to the payment of duties according to the following rates:

If manufactured according to the European process, at the rate of six annas sicca per gallon.

If manufactured according to the country process, at the rate of eight annas sicca per gallon.

Spirituous liquors imported under a license from his Majesty's justices of the peace, not subject to duty.

*Sixth.* Spirituous liquors manufactured and imported into the town of Calcutta under a license from His Majesty's justices of the peace, shall not be subject to the payment of any duty.

Drawback allowed on certain articles, if exported by sea within nine months from the period of the importation of those articles into Calcutta.

*Seventh.* On raw silk and indigo intended to be exported to England on the Honorable Company's, or other licensed ships, on piece goods of every description, sugar, cotton, cotton yarn, and spirituous liquors manufactured according to the European process, a drawback, equal to the amount of the duty collected, will be allowed on any of the said articles which shall be exported by sea, within nine months from the period of the importation of the said articles into Calcutta.

Certain articles imported declar

*Eighth.* Raw silk and indigo intended to be exported to England

on

on the Honorable Company's, or other licenſed ſhips, piece goods of every deſcription, ſugar, cotton, cotton yarn, or ſpirituous liquors manufactured according to the European proceſs, which ſhall be imported into Calcutta declaredly for exportation by ſea, ſhall be allowed to be imported into the town without paying the eſtabliſhed duties, provided the importer ſhall give ſuch ſecurity as the collector ſhall deem ſufficient, that the goods ſhall be exported by ſea within the period of nine months from the date of their importation into the town, or, for the payment of the eſtabliſhed duty in the event of the goods not being ſo exported.

edly for exportation by ſea, to be allowed to be imported into the town, without paying the eſtabliſhed duties; under certain conditions.

*Ninth.* On the arrival of boats with merchandize at the cuſtom houſe, the owners, or the perſons having the charge of the merchandize, ſhall immediately proceed to unload the boats, and to depoſit the goods in the godowns; and the owners or perſons aforeſaid, ſhall deliver a chellaun, ſpecifying the ſorts and quantity of the goods to the collector, who ſhall affix his name to it, with the words "examine," or "weigh," according to the ſort of goods.

Boats on their arrival at the cuſtom houſe, to be immediately unloaded; the goods depoſited in the godowns, and a chellaun of the goods delivered to the collector.

*Tenth.* In caſes in which the collector ſhall have reaſon to ſuſpect that any bale of piece goods does not correſpond with the chellaun, he ſhall ſummon the proprietor, or the perſon having the charge of the goods, and in his preſence (ſhould he attend) ſhall cauſe the goods to be examined and appraiſed. In the event of its appearing, that the goods are of more valuable aſſortments than thoſe ſpecified in the chellaun, the goods ſhall be charged with double duty and double commiſſion.

Double duty and double commiſſion to be charged in certain caſes.

*Eleventh.* Gruff goods ſhall be paſſed at the cuſtom houſe in the following manner. A certain quantity ſhall be indiſcriminately taken and weighed, and the remainder ſhall be counted off and paſſed. The weight of the whole quantity of the goods ſhall then be calculated at the average weight of the quantity weighed, and the duty ſhall be levied accordingly.

Gruff goods how to be paſſed.

*Twelfth.*

Gruff goods not to be passed without a perwanah from the collector. Such perwanah to be issued on the next day, or, in cases of emergency, on the same day.

*Twelfth.* All gruff goods of whatever description, which may be landed at any of the ghauts in the town, or its vicinity, shall be weighed and passed under the inspection of the Company's officers; who shall observe the same forms as are prescribed with regard to goods passed at the custom house, with this difference, that after the quantity of the goods shall have been ascertained, the goods shall not be passed until a perwanah in the following form, signed by the collector, shall have been transmitted to the ghaut at which the goods shall be detained. The perwanah shall be issued on the next day, and in cases of emergency, on the same day.

## FORM OF THE PERWANAH.

*19th September*, 1793.

RAMNARAIN DOSS,

Sugar 75 bags, weighing 150 maunds, value Ct. Rs. 1,214,
duty at 4 per cent 98 9 0
Commission
No. 451.
Entered (Signed) A. B.
*Collector.*

Goods when to be passed.

*Thirteenth.* All goods shall be passed at the custom house the day after that on which they shall have been entered and examined, if the same shall be desired by the owners; and in cases of emergency, the goods shall be passed on the day on which they shall be entered.

Duties when to be levied.

*Fourteenth.* The duties on goods imported from the interior of the country on boats, shall be levied on the goods when they are landed or shipped; the duties on goods imported from the interior of the country by land, shall be levied on the goods entering the limits of the town of Calcutta.

Peons to be stationed by the collector, and for what purposes.

*Fifteenth.* The collector shall station peons three miles above the town; one of the peons shall proceed with such boats as shall be

be loaded with goods for the cargoes of ſhips; and ſhall not quit the boats, or permit the merchandize to be landed at any place, excepting at the cuſtom houſe, where the goods ſhall be depoſited and remain until the owners ſhall order the goods to be ſhipped; or, until the proprietors ſhall have paid the eſtabliſhed duties.

*Sixteenth.* The collector and his officers are required to bring to the cuſtom houſe, all boats attempting to paſs the town without ſtopping to be examined; and ſhould any goods be found on board of ſuch boats, the goods ſhall be liable to confiſcation at the diſcretion of the board of trade.

Goods attempted to be paſſed without ſtopping to be examined, liable to confiſcation.

*Seventeenth.* A regiſter of duties, collected on goods imported from the interior of the country, ſhall be kept by the collector according to the following form:

A regiſter to be kept of duties collected on goods imported from the interior of the country.

FORT WILLIAM, REGISTER *of* CALCUTTA TOWN DUTIES, *collected on* IMPORTS *from the Interior of the* COUNTRY, *in May* 1801.

| Register Number. | Date 1801. | Number and nature of Packages. | Boats or Oxen. | From whence Imported. | Merchants Names. | Sort of Goods. | Quantity of Goods. | Amount of Invoices. | Rate of Duties. | Amount of Duties. |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | |

Registers to be kept of goods imported free of duty, and of goods on which a drawback has been allowed.

*Eighteenth.* Registers of goods imported into the town free of duty, and of goods on which drawbacks may be allowed, shall be kept according to the following forms:

FORT

FORT WILLIAM, REGISTER *of* GOODS *imported into the* TOWN *of* CALCUTTA *from the Interior of the* COUNTRY, *free of* DUTY, *in May* 1801.

| Register Number. | Date. | Number and nature of Packages. | Boats or Oxen. | From whence Imported. | Merchants Names. | Sort of Goods. | Quantity of Goods. | Amount of Invoices. |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | | |

FORT WILLIAM, REGISTER *of* GOODS *imported into the* TOWN *of* CALCUTTA *from the Interior of the* COUNTRY, *on which a* DRAWBACK *has been allowed on exportation, in May* 1801.

| Register Number. | Date. | Number and nature of Packages. | Boats or Oxen. | From whence Imported. | Merchants Names | Sort of Goods. | Quantity of Goods. | Amount of Invoices. | Rate of Duties. | Amount of Drawback being equal to the amount of the Duties received. |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | |

VII. Bills, signed by the collector, shall be delivered for the amount of the duties (including the commission chargeable there-

Bills to be given by the collector for the duties including the commission.

on for the benefit of the collector and his deputy) which shall be levied, on all goods imported into the town of Calcutta, whether by sea or by land; and all such duties and commission shall be paid in ready money, or in treasury bills, while such bills shall be current.

Collector how to act should any person refuse or omit the payment of the duties and commission.

VIII. Should any person refuse, or omit the payment of the established duties on goods imported into the town of Calcutta by sea or by land, (including the commission of the collector and his deputy on the amount of such duties,) or, if the security tendered for the duties and commission should not be satisfactory, such part of the goods as shall be deemed equal in value to the amount of the duties and commission, shall be secured and deposited in the custom house, until the duties and commission shall be paid; and in the event of the duties and commission not being liquidated within the period of one month, the goods shall be sold at public sale.

Balance of the sales of goods sold under the preceding section, how to be paid.

IX. After deducting the duties and custom house charges, the balance of the sales of goods disposed of under the preceding section, shall be paid to the owners of the goods, on the owners making application for the same.

Goods attempted to be conveyed into town without having paid the duty, to be liable to confiscation.

X. Goods subject to duty, and attempted to be conveyed into the town without having paid the established duty, are declared liable to confiscation.

Collector to submit to the board of trade, all cases of goods detained eventually for confiscation.

XI. Whenever goods shall be detained on account of circumstances subjecting them eventually to confiscation, the collector shall submit the case without delay to the board of trade for their decision.

Proceeds of the sales of goods confiscated, how to be applied.

XII. In the event of goods or merchandize being confiscated under this regulation, the same shall be sold by public auction, and the net proceeds of the sales shall be divided as follows:

One-fifth, between the collector and the deputy collector, in the

the proportion of two-thirds to the former, and one-third to the latter.

Two-fifths, in equal proportions, to the informer and the officers of Government making the seizure.

Two-fifths to the Company.

XIII. The board of trade are hereby empowered in cases in which there may appear to them sufficient cause for so doing, to direct the release of any goods which may have become liable to confiscation; or to remit any other penalties which may have been incurred, for the breach of any rule contained in this regulation.

Board of trade may release goods liable to confiscation, or remit other penalties which may have been incurred.

XIV. The board of trade are hereby further empowered to order double duty and double commission, to be levied in lieu of any higher penalty, which may be incurred in cases, in which there may appear to them grounds for mitigation of such penalty.

The board of trade may commute higher penalties for double duty and double commission.

XV. That no doubt may be entertained in consequence of the residence of the collector of the Calcutta town duties being established within the limits of the said town, and of his conducting the public business within those limits, to what court of dewanny adawlut persons are to be at liberty to apply for redress under Sections X, and XI, Regulation III, 1793, in the event of their deeming themselves aggrieved under any regulation printed and published in the manner prescibed by Regulation XLI, 1793, by any official acts, done by the said collector, or by his deputy, or assistant, or by any European, or native officers employed under him in the collection of the Calcutta town duties, or by any act done by the collector, or any of his officers pursuant to a special order of the board of trade, or of the Governor General in Council; it is hereby declared, that the complaints of persons considering themselves so aggrieved, shall be cognizable, in the first instance, in that court of dewanny adawlut, which shall be nearest to Calcutta; and all rules contained in Regulation XXXIX, 1795, from

Persons deeming themselves aggrieved, how to apply for redress.

All rules contained in Regulation XXXIX,

Regul. from Section XXII to the conclusion, declared applicable to all such complaints, as may be made respecting the collection of the Calcutta town duties.

from the commencement of Section XXII, to the conclusion of the said regulation, are hereby declared to be extended to all such complaints, as may be made, respecting the collection of the Calcutta town duties.

Received the 18th July.

Quantity to be

# A. D. 1801. REGULATION VI.

A REGULATION *for providing more effectually against the illicit manufacture, importation, transportation, and sale of Salt.*—PASSED *by the Governor General in Council on the 4th July,* 1801; *corresponding with the* 22*d Assar* 1208 *Bengal era; the* 8*th Assar* 1208 *Fussily; the* 22*d Assar* 1208 *Willaity; the* 8*th Assar* 1858 *Sumbut; and the* 21*st Suffer* 1216 *Higeree.*

WHEREAS the provisions which have been from time to time made for preventing the illicit manufacture, importation, transportation, and sale of salt, have not proved to be effectual; and whereas the branch of the public resources arising from the exclusive privilege reserved by government of manufacturing and importing salt, has been materially injured by the continuance of the said illicit practices, the Governor General in Council, with a view to put a stop to the same, and to restore the public revenue arising from salt, has been pleased to enact the following regulation, which is to have effect in the provinces of Bengal, Behar, and Benares, and the part of the province of Orissa subject to the dominion of the Company, from the first day of August next.

II. Regulation XXX, 1793, and Regulation XL, 1795, are hereby

Regulation XXX, 1793, & Regulation XL,

1795, rescinded, and rules substituted in their stead.

hereby declared to be rescinded from the first day of August next, and the following rules shall take effect from that date.

The importation of foreign salt prohibited under the penalty of confiscation.

III. Foreign salt, under which denomination is to be deemed to be included salt of every description made or produced without the limits of the provinces of Bengal, Behar, and Benares, and the part of the province of Orissa subject to the dominion of the Company, shall not be imported into any part of the said territories excepting on account of government, or with their special sanction, or in virtue of a regulation printed and published in the manner prescribed in Regulation XLI, 1793, and any salt which shall be imported, or shall be attempted to be imported, in disobedience to the prohibition contained in this section, shall be liable to confiscation.

Exceptions.

Rules respecting the importation of Muscat salt re-enacted; and rules prescribed with regard to the importation of Samber and other sorts of salt into the province of Benares.

IV. *First.* Salt manufactured on the island of Bombay, or in its neighbourhood, having often been imported into Bengal under the denomination of Muscat salt, the privilege heretofore allowed of importing two hundred maunds of Muscat salt on a ship from Bombay was discontinued, and certain rules respecting the importation of Muscat salt were adopted; and whereas it has been deemed expedient to continue for the present, under certain restrictions, the permission heretofore allowed of importing Samber and other sorts of salt into the province of Benares, the former rules respecting the importation of Muscat salt are re-enacted, and the following rules respecting the importation of Samber and the other sorts of salt above alluded to, into the province of Benares, are adopted.

Muscat salt to be imported in ships from Muscat, and to be accompanied by a certificate authenticated by the officers of the customs at Muscat.

*Second.* Salt under the denomination of Muscat salt shall not be allowed to be imported into the provinces of Bengal, Behar, or Benares, or the part of the province of Orissa subject to the dominion of the Company, unless such salt shall be imported on a ship importing from Muscat, and shall be accompanied by a certificate duly authenticated by the officers of the customs at Muscat, declaring that the salt is the produce of that place.

*Third.*

*Third.* No greater quantity than five hundred maunds of ſuch ſalt, each ſeer weighing eighty-two ſicca weight, ſhall be imported on any one veſſel.

Quantity to be imported on any one veſſel reſtricted to 500 maunds.

*Fourth.* If any larger quantity than five hundred maunds of ſalt, under the denomination of Muſcat ſalt ſhall be imported in any one veſſel, the whole quantity ſo imported ſhall be confiſcated. Any perſon furniſhing information of Muſcat ſalt ſo illegally imported, ſhall receive a reward of twenty-five per cent on the value of the ſalt, to be calculated at the ſelling price of the ſalt of this deſcription diſpoſed of at the laſt public ſale antecedent to the ſeizure; and the further proportion of twenty-five per cent upon ſuch value, ſhall be diſtributed among the officers of government who ſhall be immediately concerned in effecting the ſeizure. But ſhould the ſeizure be made excluſively by the officers of government, and not upon information, the officers concerned in making the ſeizure ſhall receive a reward of thirty-five per cent on the value of the ſalt, to be calculated in the manner above mentioned. A diſcretionary power is hereby reſerved to the board of trade to diſtribute the reward amongſt the officers concerned in the ſeizure (ſuppoſing the ſeizure to be made by two or more officers), in ſuch proportions as their conduct reſpectively may appear to merit.

If any larger quantity than 500 maunds of Muſcat ſalt ſhall be imported on any one ſhip, the whole to be confiſcated.

Reward on information of Muſcat ſalt illegally imported, how to be calculated and diſtributed.

If a ſeizure be made excluſively by the officers of government and not on information, the reward how to be diſtributed.

*Fifth.* All the rock ſalt from Muſcat hereby allowed to be imported, ſhall be delivered on ſhore at the Company's golahs near Sulkea on account of the Company, at the fixed price of ſicca rupees two hundred for every hundred maunds each ſeer weighing eighty-two ſicca weight. The ſecretary to the board of trade ſhall furniſh the collector of the government cuſtoms with an account of the quantity of ſalt ſo imported, which ſhall be paid for at the ſalt office, at the abovementioned rate, on the production of the golah-keeper's receipt for the ſalt. The ſaid ſalt ſhall not be chargeable with the rowannah duty of ſicca rupees thirty per hundred maunds, nor with the import duty of four per cent on the aſſumed value, heretofore levied on ſuch ſalt.

All Muſcat ſalt to be delivered at the Company's golahs at Sulkea at a fixed price.

Collector of government cuſtoms to be furniſhed with an account of the quantity imported.

Muſcat ſalt not to be charged with certain duties before levied.

*Sixth.*

Certain sorts of salt permitted to be imported into the province of Benares.

Duties to be levied on such salt.

Liable to confiscation if exported from the province of Benares into the provinces of Bengal, Behar, or Orissa.

*Sixth.* The importation of the following sorts of salt into the province of Benares is hereby declared to be permitted; but all salt so imported, shall, instead of the present duties, be subject to the duties hereafter specified. If any of the said sorts of salt shall be exported from the province of Benares into the province of Bengal, or Behar, or the part of Orissa subject to the dominion of the Company, such salt shall be considered to be contraband salt and shall be liable to confiscation.

Rates of duty.

KASEA, KUR, NELA, NAMAH, GEOLEA, PAUT, SOCHUR, and LAHORE, at one sicca rupee per maund of eighty sicca weight to the seer.

+ SALUMBA and BALUMBA, at two rupees four annas per maund of eighty sicca weight to the seer.

Repealed by Sect.n III. Reg.a VI. 1804.

Advertisement of 25th of April 1796, incorporated into this regulation.

V. *First.* The following advertisement issued by the Governor General in Council under date the 25th April 1796, is hereby incorporated into this regulation.

Salt imported on ships or vessels of any description not licensed, liable to confiscation, as well as the ships or vessels on which it may be so imported.

*Second.* "The Governor General in Council being desirous, that "all persons may be fully apprised of the penalties to which all "manner of vessels and their owners are liable for importing salt, "into any part of Bengal, without having a previous license from "the Honorable Company, or their Government, so to do; and "having thought fit to order, that publications for that purpose "shall be inserted in the Calcutta Gazette, and in the public "prints at the presidencies of Madras and Bombay, as well in the "English, as in the Persian and Native languages; notice is "hereby accordingly given, that all salt imported into any part "of Bengal in ships or vessels of any description, save and except "such as are or shall be duly licensed under the regulations now "subsisting, or by the authority of the Governor General in Coun-"cil, is liable to confiscation: and that the ships or vessels, in "which the same shall appear to have been imported, are liable "to confiscation also. And notice is hereby further given, that "all salt, which shall be so imported, will be seized and sold

The salt and ships or vessels of any descrip-

for

"for the benefit of the Honorable Company, and that all "ships and vessels whatsoever in which any salt shall be import-"ed, other than and except such as are now, or shall here-"after be duly licensed to import the same, will be seized; "and that no such ships or vessels which shall be so seized for "importing salt without license, will, after the first day of August "next, be released or restored, or allowed to obtain a port clear-"ance, on any account whatsoever, except upon the condition of "paying a penalty to the Honorable Company within four months "from the seizure, of ten sicca rupees per maund on all the salt "so imported by the said ship or vessel, and in case such payment "shall not be made within the time aforesaid, every ship or vessel "seized as aforesaid, will, after the expiration of such time, be "confiscated and sold for the benefit of the Honorable Company "without further delay or notice to the masters or owners thereof."

Ships, &c. so confiscated, shall be sold on account of the Honorable Company.

Exception.

VI. Salt shall not be made in the provinces of Bengal, Behar, or Benares, or in the part of Cuttack subject to the dominion of the Company, excepting on account of government, or with their express sanction; and all salt made, directly or indirectly, in disobedience to this prohibition, shall be liable to seizure and confiscation.

Salt not to be made in the provinces, except on account of government, &c. If made in disobedience to this prohibition, to be liable to confiscation.

[illegible] by Sect. XVIII. Reg. VI. [illegible] Sect. [illegible] not applicable to [illegible]

VII. *First.* The Governor General in Council having reason to believe that kallaries or salt pans are established on the private account of individuals, it is hereby declared, that after the thirty-first day of August next, if it shall be proved that there exists, or that there shall have been established subsequent to the date above-mentioned, on the estate of any proprietor of land paying revenue to government (such proprietor being in the management of his own lands), any kallaries or salt pans or works of any description whatever established for the manufacture of salt, excepting on the exclusive account of government, the proprietor of such estate shall, on proof of the fact in the dewanny adawlut, be adjudged to pay a fine of five thousand sicca rupees to government. The said

Proprietors of land paying revenue to government, being in the management of their own lands liable to a fine, on proof that kallaries or salt works of any description, not on account of government, exist or shall have been established on their estates.

Amount of the fine.

Fine on proprietors.

said fine shall be levied in the following manner. The village or other local division of land in which the said salt-works shall have been established, or so much thereof as may appear to the court sufficient for realizing the said fine, shall be disposed of at public sale. If such village, or local division of land, shall not be considered to be equal in value to the amount of the fine, such further proportion of the landed property of the said proprietor, as may be deemed requisite for realizing the amount of the fine shall be so disposed of. If the whole of the landed property of such proprietor shall not be sufficient for realizing the fine, a portion of his personal property shall be disposed of to make good the amount. If the amount of the fine cannot be recovered from the real and personal property of the proprietor, the court executing the decree adjudging the payment of the fine shall proceed against the person of such proprietor, under the regulations prescribed for enforcing decrees.

Second clause. Penalty of government officers of government in charge of lands held khas liable as a fine under the regulations prescribed in cases of salt works.

*Second.* In cases in which salt-works of the description specified in the preceding clause shall be proved to exist or to have been established subsequent to the 31st day of August next, in any lands held in farm immediately of government, or held khas under the charge of an officer of government, the person who held such farm or the officer of government in charge of such lands held khas when such salt works existed, or were established, shall be liable on proof of the fact in the dewanny adawlut, to a fine of five thousand sicca rupees payable to government and recoverable by the process by which decrees for enforcing payment of sums of money are enforced. The proprietor of such lands shall not be subject to any fine on account of such salt works, unless it shall be proved that he was acquainted with their establishment and did not give information thereof to the magistrate or to any of the officers of government empowered to attach contraband salt or to any darogah of police, in which case (besides the fine to be levied from the farmer or officer holding the lands khas), such proprietor also shall be liable to the fine specified

Amount of the fine, and how to be recovered.

Proprietor of such land not to be liable to any fine except in certain cases specified.

Fine in such cases.

specified in Clause First of this section, in the same manner as he had held the management of his own lands.

*Third.* Where the salt works of the description specified in Clause First of this section, shall be proved to exist or to have been established subsequently to the 31st of August next, on lands held exempt from the payment of revenue to government, the holder of the grant of such land shall on proof of the fact, be liable to a fine of five thousand sicca rupees, and the amount of the fine shall be recovered in the same manner as the fines from proprietors of land, as directed in Clause First of this section.

Holders of grants of land exempt from the payment of revenue to be liable to a fine under the circumstances stated in Clause First of this section.

Amount of the fine, and how to be recovered.

*Fourth.* If salt works of the description specified in Clause First of this section shall be proved to exist, or to have been established subsequently to the 31st of August next, on the lands of any proprietor of lands under the charge of the court of wards, the manager of such lands when such salt works existed, shall be liable to a fine of five thousand sicca rupees, and the fine shall be levied by the process prescribed for enforcing decrees for sums of money.

The manager of lands under charge of the court of wards, to be liable to a fine under the circumstances stated in Clause First of this section.

Amount of the fine, and how to be levied.

*Fifth.* One half of the amount of the fines which may be levied under this section, shall be paid to the person or persons who shall have furnished the information of the existence or the establishment of the salt works. When the information shall be furnished by two or more persons, the board of trade shall distribute the fine among such persons in the proportions which their respective services may appear to that board to merit. The remaining half shall be paid to the salt agent, superintendent of the salt chokey, commercial resident or agent or collector of revenue or customs, by whom the information shall have been received and conveyed to the board of trade. In cases in which there shall be no informer, the officers abovementioned by whom the information shall be conveyed to the board of trade shall

Fines levied under this section, how to be distributed.

shall in like manner be entitled to half of the amount of the said fine.

Judges of the courts of [illegible] to report to the Governor General in Council decrees adjudging fines under this regulation before execution.

*Sixth.* The judge of the court to which [illegible] belong to execute the decrees adjudging fines under [illegible] tion, shall previously to carrying the decree into execution, transmit a copy thereof to the Governor General in Council and shall not execute the decree without receiving his orders for that purpose. It shall be competent to the Governor General in Council, where the fine adjudged is to be levied by the sale of land, to order that the whole or any part of the fine be received in money, and to countermand the sale of such part of the land of the offender as may be equivalent to the proportion of the fine ordered to be received in money, or to remit the whole or any part of such fine, according as he may judge proper on a consideration of the circumstances of the case.

Discretionary power vested in the Governor General in Council to remit the whole or any part of such fines.

Salt transported within the provinces without a rowannah or char chitty, liable to confiscation.

VIII. *First.* Salt shall not be transported within the provinces of Bengal, Bihar, or Benares, or the part of Orissa subject to the dominion of the Company, by land or by water, without a rowannah or char chitty from the proper officer. Salt attempted to be transported within the limits of the said provinces by land or by water, without a rowannah or char chitty from the proper officer, shall be liable to seizure and confiscation.

Description of a rowannah.

*Second.* The following description of a rowannah and of a char chitty is here inserted for general information:—

A rowannah should have affixed to it, the seal of the salt office and the signature of the secretary to the board of trade in the salt department. The rowannah should also bear the endorsements of the officers of the several cutcheries by which the salt may have been passed, and should specify the quantity of salt intended to be transported under it, the place from whence the salt is deliverable, the mode of conveyance and the place to which the salt is to be transported. A rowannah is current for only one year from its date.

A char chitty [illegible] have affixed to it the signature of the darogah or mohre[illegible] [illegible] salt chokey from whence it was issued; and should spec[illegible] quantity of salt to be transported under it, which quantity [illegible] than one hundred maunds of eighty-two sicca weigh[illegible] the time for which it is current, which is never to exceed [illegible] months. The char chitties should further specify the number of the rowannah from which the salt is written off, and the place to which the salt is to be transported.

Description of a char chitty.

*Third.* On the arrival of salt at a salt chokey, the person in charge of the salt shall produce the rowannah or char chitty to the darogah of the chokey, who shall immediately proceed to ascertain whether the quantity of salt corresponds with that stated in the rowannah or char chitty, and if the quantity of salt should be found to correspond with the quantity stated in the rowannah or char chitty, he shall certify the same on the back thereof, with the date of the arrival and of the departure of the salt.

On the arrival of salt at a salt chokey, the darogah how to proceed.

IX. *First.* If any person shall attempt to transport within the limits specified in the preceding section, by land or by water, under a rowannah or char chitty a greater quantity of salt than shall be specified in the rowannah or char chitty; the excess so attempted to be transported as well as the quantity specified in the rowannah or char chitty, shall be liable to seizure and confiscation.

Salt attempted to be transported under a rowannah or char chitty exceeding in quantity, the quantity stated in the rowannah or char chitty, liable to confiscation.

*Second.* All persons in charge of salt are required to keep their rowannahs or char chitties with the salt, and it is accordingly hereby declared, that if the owner or person in charge of salt which shall have been attached, shall assert that he is in possession of a proper rowannah or char chitty which he cannot immediately produce, such assertion shall not be regarded, and the salt shall become liable to confiscation.

Salt for which a rowannah or char chitty cannot be immediately produced, liable to confiscation.

X. The boats, the bullocks, or other cattle, and the carriages,

Boats, cattle, and carriages on

on

which salt illegally manufactured, imported, or transported, shall be laden, liable to confiscation and sale.

on which salt manufactured, transported, or imported, in disobedience to the rules contained in this regulation, may be laden, shall be liable to confiscation and sale in the same manner as the salt, and the proceeds of the sale of such boats, cattle, or carriages, shall be paid to the parties concerned in the attachment of the salt, in the same proportions and under the same rules and restrictions, as the rewards to which the said parties shall have respectively become entitled on account of the salt confiscated.

Proceeds of such boats, cattle, and carriages, how to be disposed of.

Magistrates and all the officers of police, collectors of the land revenue and of the customs, commercial residents and agents to assist in the suppression of the illegal manufacture, importation, transportation, and sale of salt.

XI. *First.* Whereas the Governor General in Council has deemed it to be necessary, with a view to the more effectually putting a stop to the illegal manufacture, importation, transportation, and sale of salt, to render it the duty of the magistrates and all the officers of police, and of all collectors of the land revenue and of the customs, and of all commercial residents and agents, to assist in the suppression of the said illicit practices as far as they shall be found to prevail within the limits of their respective jurisdictions or districts; and also to appoint officers denominated superintendents of the salt chokies, and to invest the said officers, subject to the orders of the board of trade in the salt department, with authority and controul over certain of the said chokies: the following rules, are accordingly enacted.

Superintendents of salt chokies appointed.

Rules in consequence.

All officers of police to comply with applications for assistance in the seizure of illicit salt.

*Second.* All officers of police shall comply with such applications as may be made to them by any salt agent or superintendent of a salt chokey, by the officers attached to the salt department, or by any commercial resident or agent, or collector of revenue or customs, for assistance in the seizure of salt illegally imported, manufactured, sold or transported.

Officers of police in cases of information of illicit salt or illicit salt works, to give immediate notice to the nearest officer in the salt department, and to the magistrate to

*Third.* If any officer of police shall receive information of any salt not made in the Company's provinces of Bengal, Behar, or Benares, or the part of Orissa subject to the dominion of the Company, having been illegally imported into the said territories, or of salt of any description being transported without the

proper

proper rowannahs or char chitties, or of any salt being manufactured on account of individuals, by molungies or other persons at the kaluries or salt works established on account of the Company, or of any kaluries or salt works established by individuals, for the purpose of manufacturing salt on their own account, or that of any other person; such police officer shall transmit immediate notice thereof to the nearest officer in the salt department empowered to attach contraband salt, and to the magistrate, to whose immediate orders the said police officer shall be subject. The police officers shall confine themselves to sending the information aforesaid to the nearest officer in the salt department, and to the magistrate, and to assisting in the seizure of the salt, either under the orders of the magistrates or on application from the officers of the salt department; and shall not seize or detain any salt in the first instance, of their own authority, excepting when salt shall be unaccompanied by a proper rowannah or char chitty, in which case and in no other, the police officers are empowered of their own authority to detain salt; sending immediate notice of the detention of the salt to the magistrate and to the officer in charge of the nearest salt chokey. Any officer of police seizing or detaining salt of his own authority, excepting in the case authorized in this clause, shall be liable to be dismissed from his office and to be prosecuted for damages in the dewanny adawlut by the owner or the holder of the salt.

whose orders he may be subject.

Police officers to confine themselves to sending information and assisting in the seizure of salt.

Exception.

Punishment for police officers disobeying the orders contained in this section.

*Fourth.* Police officers shall be entitled to a reward of twenty-five per cent on the value of all salt confiscated in consequence of information furnished by them, subject however (in cases in which the seizure shall have been made by two or more officers) to a discretionary power vested in the board of trade, to distribute the reward among the persons concerned in the seizure, according as their conduct respectively shall appear to merit. The value of the salt confiscated shall be estimated agreeably to the price at which salt of the same description shall have sold at the last sale antecedent to the seizure.

Reward to which police officers shall be entitled on salt confiscated in consequence of information furnished by them. Discretionary power to the board of trade in distributing the reward.

Value of the salt how to be estimated.

*Fifth.*

Magistrates authorized to direct the seizure of salt in certain cases.

*Fifth.* Magistrates are authorized and required to direct the seizure of salt which they may have sufficient grounds to believe to have been illegally manufactured, imported, sold or transported, and which there shall appear to them reason to apprehend will be conveyed away, before notice of such salt can be given to the officers of the salt department so that the same may be attached by those officers. In all such cases, information of the circumstances attending the seizure shall be transmitted with all practicable dispatch by the magistrates, to the board of trade.

Information in all such cases to be transmitted to the board of trade.

Further information to be transmitted to the board of trade by the magistrates.

*Sixth.* The magistrates shall cause to be communicated (in the manner which shall appear to them most convenient,) to the board of trade, the particulars of all information received from the police officers, and also of all applications made to those officers, by the officers in the salt department or by any officer empowered to attach salt, for assistance in the seizure of salt.

The powers vested in magistrates by the preceding clauses in this section, are in like manner vested in the collectors of the land revenue and of the customs, commercial residents and agents; but their officers prohibited from detaining or attaching illicit salt, except by special authority.

*Seventh.* The powers and authorities vested in magistrates by the preceding clauses of this section, are in like manner vested in all collectors of the land revenue and of the customs, and also in all commercial residents and agents; but the officers of such collectors, commercial residents and agents, are prohibited, under pain of dismission from office and of prosecution for damages in the court of judicature, from detaining or attaching any salt supposed to be illegally manufactured, imported, sold or transported, excepting by the special authority of the collector, resident, or agent by whom they may be employed. Such officers are to confine themselves to sending information of salt liable to seizure, or of salt works established for the illicit manufacture of salt on account of individuals, either to their immediate superior, or to the officers of the salt department, for which service they shall receive the same reward as is granted to persons giving information of such salt or salt-works by this regulation.

The board of

*Eighth.* It shall be competent to the board of trade, with the

sanction

sanction of the Governor General in Council to commit the charge of any salt chokey to any of the commercial residents or agents or collectors of customs, and to direct the officers appointed to the immediate superintendence of such salt chokies (whether such officers shall be covenanted civil servants of the Company, Europeans not in the service of the Company or native officers) to obey and act under the orders of such commercial residents or agents or collectors of customs. Collectors of revenue or of customs, and commercial residents and agents, shall be entitled to the same proportion of the value of confiscated salt attached by their orders, or in consequence of information conveyed to them and transmitted by them to the officers of the salt department, as is allowed to salt agents on confiscated salt seized under their authority.

*Ninth.* Every commercial resident or agent or collector of customs, to whom the superintendence of a salt chokey shall be committed under this regulation, and every person being a covenanted civil servant of the Company appointed to the immediate charge of any salt chokies, shall, previously to entering upon the execution of the duties of their office, take and subscribe the following oath before the Governor General in Council, or any person whom he shall appoint to administer it.

"I A. B. appointed do solemnly swear that I will diligently and faithfully execute the duties of the office of that I will not directly and indirectly, by myself or others, be concerned in any traffick in salt, that I will not directly or indirectly take or receive, or knowingly allow any other person to take or receive, any fee, present, gratuity, or advantage whatever, on account of any matter relating to the duties of my office, and that I will not directly or indirectly derive any advantage or emolument from my station excepting such as now is, or may be hereafter, authorized by the Governor General in Council. So help me God."

Trade empowered with the functions of the Governor General in Council to commit the charge of any of the salt chokies to any of the commercial residents or agents or collectors of customs.

Reward to which collectors of revenue and customs, and commercial residents and agents shall be entitled.

Commercial residents or agents or collectors to whom the immediate charge of salt chokies shall be committed must take an oath.

Form of the oath.

Salt to be delivered under this section, to be disposed of by the board.

XI. All salt which may be seized under this section shall be delivered over as early as may be practicable to the officers of the salt department, or to such person as the board of trade may direct.

Certain officers to the salt department, empowered to attach salt illegally manufactured, imported, sold, or transported, without transmitting previous notice to the judge or magistrate of the district, and also to apply for assistance to the officers of police.

XII. The salt agents and their officers, the officers of the salt chokies, and officers in the salt department acting under the immediate orders of the board of trade, on receiving information of any salt having been illegally manufactured, imported, sold, or transported, are empowered to attach the same without transmitting previous notice to the judge or magistrate of the district, and if such agents or officers shall deem it to be necessary, they may apply to the magistrate or to any of the officers of police, to assist in the seizure of the salt.

Reward to which subordinate officers of government attached to the salt department shall be entitled in certain cases.

XIII. All subordinate officers of government attached to the salt department who shall be concerned in the attachment of salt under the orders of their immediate superiors, or to whom information shall be given respecting salt of the description specified in the preceding section, and who shall, in consequence, be immediately concerned in the attachment of the salt, shall be entitled to a reward of twenty-five per cent on the value of such salt, to be estimated according to the price at which salt of the same description shall have been sold at the last public sale preceding the seizure; a discretionary power however being reserved to the board of trade (where the seizure shall have been made by two or more officers) to distribute the reward among the officers concerned in the seizure, as their conduct respectively may appear to merit.

How to be estimated, and distributed.

Reward to which subordinate officers of government serving in the salt department, shall be entitled in attachments of salt made by them exclusively.

XIV. If salt shall be attached exclusively by the subordinate officers of government serving in the salt department, and not upon information, the officers concerned in making such attachments shall be entitled to a reward of thirty-five per cent on the value of the salt to be estimated according to the average price at which the salt of the district or division in which the confiscated salt may be ascertained, or be supposed to have been manufactured, shall have

been

been sold at the last public sale preceding the attachment) a discretionary power however being reserved to the board of trade in cases in which the attachment shall have been made by two or more officers, to distribute the reward in the manner authorized in the preceding section.

How to be estimated and distributed.

XV. The salt agents and the superintendants of the salt chokies, shall be entitled to a reward of thirty-five per cent on the value of all salt which shall be attached and confiscated by their respective orders, or by their respective officers, the value of the salt to be estimated according to the price at which the salt of the division or district in which the confiscated salt may be ascertained, or be supposed to have been manufactured, shall have been sold at the sale preceding the attachment.

Reward to which salt agents and superintendants of salt chokies, shall be entitled.

How to be estimated.

XVI. The officers of the salt agents and of the salt chokies, and officers acting under the immediate orders of the board of trade, and all police officers, and other subordinate officers whatever, making seizures of salt, shall transmit without delay, and by the most expeditious mode of conveyance, a report of the circumstances of the seizure to their immediate superiors. If officers seizing salt shall omit to forward the required report, or shall make any unnecessary delay in forwarding it, they shall be liable in the event of the salt not being confiscated, to a prosecution in the dewanny adawlut for damages by the proprietor of the salt, and to dismission from office, or in the event of the salt being confiscated, such officers shall be liable to dismission from office and to forfeit to government the amount of the reward to which they would have become entitled in consequence of the confiscation of the salt.

A report of all seizures of salt made by the subordinate officers of government, to be transmitted without delay to the board of trade.

Punishment in case of omission or unnecessary delay in forwarding the required report.

XVII. All subordinate officers in the salt department are prohibited from removing the attachment from any salt which they may have seized until they shall have received orders for that purpose from the salt agents, or the superintendents of the salt chokies,

Subordinate officers in the salt department, prohibited from removing attachments once

made without [illegible] authority.

Penalty for [illegible] the rules contained in this section.

Salt agents and superintendents of the chokies empowered to release salt, if there shall seem to be no liable to confiscation; such releases with the reasons for them to be reported to the board of trade.

Salt seized by certain officers in the salt department, to be reported to the board of trade.

Magistrates, collectors, commercial residents, and agents, are empowered to release salt in certain cases, but are to report the circumstances to the board of trade.

chokies, or the board of trade. Subordinate officers disobeying the rules contained in this section shall be dismissed from their office, and shall be subject to a penalty of two hundred and fifty sicca rupees for every one hundred maunds of salt released. The salt agents, or the superintendents of the salt chokies, are empowered to order the release of any salt seized by their own officers, or any salt which may have been seized and made over to their officers, by the magistrates, collectors of revenue and customs, and commercial residents and agents; if on enquiry, such salt agents or superintendents of salt chokies, shall be of opinion that the salt is not liable to confiscation; but such agents or superintendents shall invariably report the release of the salt to the board of trade with their reasons for its release. In all cases in which the salt agents, the superintendents of the salt chokies or their officers, or any officers acting under the immediate orders of the board of trade, shall make seizures of salt, such agents, or superintendents, or officers acting under the orders of the board of trade, shall transmit notice of the seizure and of all circumstances relating to it, to the board of trade with all practicable dispatch.

XVIII. If salt shall have been seized by the officers, or under the orders of any magistrate, or by the orders of any collector of revenue or customs, or any commercial resident or agent, and previously to the delivery of such salt to the officers of the salt department, such magistrate, collector, resident or agent, shall be of opinion that the salt was seized on false or erroneous information, and that the salt is not liable to confiscation, he is hereby empowered to release the salt, communicating the circumstances of the seizure and the release of the salt to the board of trade for their information.

Reward to which informers shall be entitled, and how to be withheld.

XIX. All persons who shall furnish information of salt illegally imported, manufactured, sold, or transported, within the provinces of Bengal, Behar, Benares, or the part of Orissa subject to the dominion of the Company, shall, provided the salt be attached and confiscated in consequence of such information, be entitled to a reward

reward of twenty-five per cent on the value of the salt, to be estimated by the average price at which the salt of the district where the seizure may be made shall have sold at the last public sale preceding the attachment.

All confiscations shall be made and adjudged by the board of trade and the rewards to be paid in consequence, shall be paid by or under the orders of that board.

XX. All confiscations shall be made and adjudged by the board of trade, and all persons who shall become entitled to established rewards in consequence of such confiscations, shall receive the said rewards from the board of trade, or the amount shall be paid in such manner as the board may direct, immediately on the confiscation of the salt being adjudged.

Board of trade how to proceed when a seizure of salt shall be reported to them.

Officers making seizures of salt not liable to confiscation how to be punished.

Discretionary powers vested in such cases in the board of trade.

XXI. On a seizure of salt being reported to the board of trade, they shall take the circumstances of the case into consideration without delay. If the board shall determine that the salt is not liable to confiscation they shall order the salt to be released, and the officer by whose authority the seizure shall have been made (such officer not being a magistrate) shall be liable to be sued for damages in the dewanny adawlut by the owner of the salt, and shall defend the suit at his own risk and expence. In such cases, however, the board of trade are empowered to indemnify the person by whose authority the seizure shall have been made for the consequence of the suit, should the board, on a consideration of the circumstances, deem such person entitled to indemnification; or the board may order the suit to be defended on the part of government, or grant such indemnification as they may deem equitable to the owners of the salt. In all such cases the board of trade shall report to the Governor General in Council the measures which they may have adopted, with the reasons for their adoption.

The board of trade how to proceed in cases of seizures of salt deemed liable to confiscation.

XXII. If the board of trade, on a seizure of salt being reported to them, shall be of opinion that it is liable to confiscation, they shall adjudge the salt to be confiscated, with the boats, cattle or carriages on which the salt shall have been laden, and cause the whole to be sold as soon as they may deem it advisable: any

person

Remedy for persons dissatisfied with the decision of the board of trade.

person dissatisfied with the decision of the board of trade adjudging salt to be confiscated, shall be at liberty to prosecute government in the court of dewanny adawlut of the zillah or city in which the seizure may have been made, and the judge of the court shall proceed as directed in the cases specified in Section XI, Regulation III, 1793.

Reward granted on confiscations of foreign salt, how to be calculated.

XXIII. The reward to be granted under this regulation on coast salt or on Samber, Salumber, or any other species of foreign salt, which may be confiscated, shall be calculated on the price at which salt of the same description shall have been sold at the last sale preceding the seizure, or (if no salt of that description shall have been sold at such sale) the board of trade shall value the salt at such price as they may deem equitable, and the reward shall be calculated on such valuation.

Persons convicted of clandestine or fraudulent dealings, with respect to rowannahs or char chittys, to be liable to a fine.

XXIV. Any person engaging in any clandestine or fraudulent dealings, with respect to rowannahs or char chittys, for the purpose of smuggling salt, either with the person in whose name the rowannah or char chitty shall have been taken out, or with any other person or persons, the person or persons concerned in such transactions, shall be subject respectively to a fine of two hundred and fifty sicca rupees on every hundred maunds of salt specified in the said rowannah or char chitty.

Amount of the fine.

Boats employed in transporting salt from the Company's golahs, to be registered by the salt agent of the division to which they may proceed.

XXV. *First.* All boats employed in transporting, from the Company's golahs, salt sold at the Company's sales, shall be registered by the salt agent of the division to which the boat may proceed to receive salt.

Salt not proceeding on the regular route to the place of destination, liable to confiscation.

*Second.* Salt not proceeding on the regular route to the place of destination specified in the rowannah or char chitty, shall be liable to confiscation, although accompanied by a rowannah or char chitty.

XXVI.

XXVI. The proprietors of salt which shall be confiscated in consequence of the quantity of salt exceeding the quantity specified in the rowannah or char chitty accompanying the salt, or in consequence of any other breach of this regulation subjecting the salt to confiscation, shall be liable to a fine at the rate of sicca rupees five hundred for every hundred maunds of salt so confiscated.

Proprietors of salt confiscated in consequence of a breach of this regulation, liable to a fine.

Rate of the fine.

XXVII. Darogahs of salt chokies previously to entering upon the execution of the duties of their office shall furnish two securities, each in the sum of one thousand sicca rupees, for their appearance and for the due execution of such duties.

Darogahs of salt chokies to give security.

Amount of the security.

XXVIII. Darogahs of salt chokies who may be convicted of conniving at smuggling, shall, besides removal from office and forfeiture of the amount of their securities, be liable to a fine of sicca rupees two hundred and fifty on every hundred maunds of salt which shall have passed the chokies of which they shall respectively be in charge, and which shall be attached and confiscated. Darogahs absent from their stations without leave, shall be responsible, under the penalties prescribed in this section, for any connivance at smuggling which may be proved against the person to whom the charge of the chokies may be left by the said darogahs.

Darogahs of salt chokies convicted of conniving at smuggling liable to a fine, besides removal from office and forfeiture of security.

Rate of the fine.

Darogahs absent from their stations without leave, liable to the same penalties as if they were present.

XXIX. Dealers in salt, pykars or others, making advances to molungies, officers attached to the salt department or other persons, for the illicit manufacture or delivery of salt, or purchasing or obtaining salt from such molungies, officers or persons, in an illicit manner, shall, on conviction, be liable to a fine of five sicca rupees for every maund of such salt for which advances shall have been so made, or which shall have been so purchased or obtained, and the salt if seized shall be liable to confiscation.

Persons making advances to molungies, officers attached to the salt department, or other persons for certain purposes, liable to a fine.

Rate of the fine.

XXX. If any officers or servants employed in the salt department, shall, under any pretence or by any means whatever, directly

Officers or servants in the salt department in certain cases, li-

Salt manufacturers and impositions prohibited.

ly or indirectly cause salt to be obtained from the manufacturers or other persons employed in the salt department, either by overweight or in any other illegal manner; or shall cause salt to be manufactured for their own benefit or the benefit of any other person, the salt so obtained or manufactured shall be liable to confiscation, and the officer or servant so obtaining the salt or causing the salt to be so manufactured, shall be liable to a fine to be calculated at the rate of sicca rupees five hundred for every one hundred maunds of salt so obtained or manufactured; and shall be further liable to imprisonment for any term that the court may judge proper, not exceeding twelve months. The proportion of half of the amount of any fine so recovered, shall be paid to the informer (should there be an informer) exclusively of any other reward to which he may become entitled on the salt confiscated in consequence of the information which he shall have furnished.

Rate of the fines.

Term for which they may be imprisoned.

Informers to be entitled to half the amount of the fine.

XXXI. *First.* Darogahs, and other officers of salt chokies, are prohibited from taking or receiving any tullubanah, gratuity, perquisite or allowance, either in money or effects, under any pretence whatever from any salt merchant or any other person employed or concerned in the salt trade or the transportation of salt, and if any of the above descriptions of persons shall be convicted of acting in disobedience to this prohibition, he shall be liable to the payment of a fine equal to four times the amount so taken or received, and shall be further liable to imprisonment for any time that the court may judge proper, not exceeding twelve months, and shall also be dismissed from his office.

Darogahs and other officers of salt chokies prohibited from taking or receiving any tullubanah, gratuity, perquisite or allowance, either in money or effects, under any pretence whatever.

If convicted of acting in disobedience to this prohibition, liable to a fine, imprisonment, and dismissal from office.

*Second.* The fines which may be levied under the foregoing clause shall be disposed of as the board of trade may think fit.

How fines levied under the foregoing clause shall be disposed of.

*Third.* In cases in which the darogah of a salt chokey shall be declared liable to the penalty specified in Section XXVIII, the mohrer of the chokey shall be considered to have connived with the darogah, and shall be liable to a penalty of eight annas sicca

Mohrers of salt chokies liable to a fine, on conviction of delinquencies under Section XXVIII.

for

for every maund of ſalt ſo illicitly manufactured or tranſported; unleſs it ſhall appear that ſuch mohrer was abſent with leave from the ſtation, at the time when ſuch offence was committed.

Rate of the fines.

XXXII. All fines enacted by this regulation ſhall be ſued for under the general regulations for the adminiſtration of juſtice, by order of the board of trade, in the zillah or city court of dewanny adawlut in which the cauſe may be cognizable; and all ſuch cauſes ſhall be heard in preference to any ſuits inſtituted by individuals depending in the ſaid courts.

How fines enacted under this regulation, ſhall be ſued for.

XXXIII. Any perſon who ſhall deem himſelf aggrieved under this regulation by any act or order done or iſſued by the Governor General in Council, or by the board of trade, or by any of the officers of government empowered to ſeize or attach ſalt, ſhall be at liberty to apply for redreſs in the manner preſcribed in Section XI, Regulation III, 1793.

Remedy for perſons deeming themſelves aggrieved under this regulation.

Officers to be fined and imprisoned.

ly or indirectly cause salt to be obtained from the manufacturers or other persons employed in the salt department, either by overweight or in any other illegal manner; or shall cause salt to be manufactured for their own benefit or the benefit of any other person, the salt so obtained or manufactured shall be liable to confiscation, and the officer or servant so obtaining the salt or causing the salt to be so manufactured, shall be liable to a fine to be calculated at the rate of sicca rupees five hundred for every one hundred maunds of salt so obtained or manufactured; and shall be further liable to imprisonment for any term that the court may judge proper, not exceeding twelve months. The proportion of half of the amount of any fine so recovered, shall be paid to the informer (should there be an informer) exclusively of any other reward to which he may become entitled on the salt confiscated in consequence of the information which he shall have furnished.

Rate of the fine.

Term for which they may be imprisoned.

Informers to be entitled to half the amount of the fine.

XXXI. *First.* Darogahs, and other officers of salt chokies, are prohibited from taking or receiving any tullubanah, gratuity, perquisite or allowance, either in money or effects, under any pretence whatever from any salt merchant or any other person employed or concerned in the salt trade or the transportation of salt, and if any of the above descriptions of persons shall be convicted of acting in disobedience to this prohibition, he shall be liable to the payment of a fine equal to four times the amount so taken or received, and shall be further liable to imprisonment for any time that the court may judge proper, not exceeding twelve months, and shall also be dismissed from his office.

Darogahs and other officers of salt chokies prohibited from taking or receiving any tullubanah, gratuity, perquisite, or allowances either in money or effects under any pretence whatever.

If convicted of acting in disobedience to this prohibition, liable to a fine, imprisonment, and dismissal from office.

*Second.* The fines which may be levied under the foregoing clause shall be disposed of as the board of trade may think fit.

How fines levied under the foregoing clause shall be disposed of.

*Third.* In cases in which the darogah of a salt chokey shall be declared liable to the penalty specified in Section XXVIII, the mohrir of the chokey shall be considered to have connived with the darogah, and shall be liable to a penalty of eight annas sicca

Mohrirs of salt chokies liable to a fine on conviction of darogahs under Section XXVIII.

for

for every maund of salt so illicitly manufactured or transported; unless it shall appear that such mohrer was absent with leave from the station, at the time when such offence was committed.

Rate of the fines.

XXXII. All fines enacted by this regulation shall be sued for under the general regulations for the administration of justice, by order of the board of trade, in the zillah or city court of dewanny adawlut in which the cause may be cognizable; and all such causes shall be heard in preference to any suits instituted by individuals depending in the said courts.

How fines enacted under this regulation, shall be sued for.

XXXIII. Any person who shall deem himself aggrieved under this regulation by any act or order done or issued by the Governor General in Council, or by the board of trade, or by any of the officers of government empowered to seize or attach salt, shall be at liberty to apply for redress in the manner prescribed in Section XI, Regulation III, 1793.

Remedy for persons deeming themselves aggrieved under this regulation.

# A. D. 1801. REGULATION VII.

A REGULATION *for modifying the duty on coasting vessels commonly called dhonies; and for providing for the better collection of the same; and for the establishment of a duty of one anna per ton on vessels importing into, or exporting from, the river Hooghly, for defraying the expences attendant on a magazine to be erected for the reception of the gunpowder of ships entering the said river.*—PASSED *by the Governor General in Council, on the 16th July 1801; corresponding with the 2d Sawun 1208 Bengal era; the 20th Assar 1208 Fussily; the 2d Sawun 1208 Willaity; the 20th Assar 1258 Sumbut; and the 4th Rubbee-ul-Awul 1216 Higeree.*

WHEREAS, by an order passed by the Governor General in Council, under date the 16th of November 1787, and by an advertisement conformable to that order, published under the same date, the master attendant was authorized to levy a duty at the rate of one sicca rupee for every one hundred maunds of the burthen of all dhonies piloted into the river Hooghly by natives, not in the service of government; and whereas, the payment of this duty has been frequently evaded owing to defects in the rules for its collection; and whereas, the Governor General in Council has

has judged it to be proper, that a duty shall be levied on the tonnage of vessels importing into, or exporting from, the river Hooghly, for defraying the expences attendant on a magazine to be erected for the reception of the gunpowder of ships entering the said river; the following rules have been enacted.

Dhony duty on dhonies piloted and having one rupee per hundred maunds burthen to be levied in future, with the proviso that no dhony shall pay more than sixty rupees.

II. The duty heretofore levied on dhonies piloted into the river Hooghly by natives, not in the service of government, is hereby abolished from the 15th day of August next; and from and after that date, every dhony exporting from the river Hooghly, without taking a pilot in the service of government, shall pay, as a consideration for the benefit derived from the Company's buoys, a duty at the rate of one ficca rupee for every hundred maunds of the burthen of the vessel; with this exception, that a dhony of a burthen which shall exceed six thousand maunds shall pay only sixty rupees; this being the highest duty to which any dhony shall be subject, whatever may be her burthen.

The duty to be collected by the marine paymaster, agreeably to a certificate from the master attendant.

III. The duty shall be collected by the marine paymaster; upon any dhony being about to sail, the master of the vessel shall make application to the master attendant for a certificate of the amount of the duty payable on account of the vessel, which certificate the master attendant is required to grant in the following form:—

"THIS IS TO CERTIFY, that the duty payable on the dhony
"No. of the burthen of
"maunds master, in pursuance of Section II, Regu-
"lation VII, 1801, is ficca rupees

"CALCUTTA, "A. B.
"this——day of—— "*Master Attendant.*
"180 .
"To C. D.
"*Marine Paymaster.*"

The

The certificate must be delivered to the marine paymaster; who, upon the duty being paid, is required to furnish the master of the dhony, with a certificate in the following form:

"THIS IS TO CERTIFY, that the duty on the dhony
" No. master, has this day been
" paid.
" The——of——
" 180 " C. D.
" *Marine Paymaster.*

" To E. F.
" *Collector of the Government Customs at Calcutta.*"

This certificate shall be delivered to the collector of the Government customs; and until the certificate shall have been so delivered, the collector shall not grant a port clearance for the dhony.

No port clearance to be granted to a dhony, without a certificate from the marine paymaster.

IV. Should any dhony depart, or attempt to depart, without paying the duty, the master attendant shall stop the dhony, and shall report the circumstances of the case to the marine board; which board, upon being satisfied that there was an intention on the part of the master of the dhony to evade the payment of the duty, shall direct double duty to be levied on the dhony; and until such double duty shall be paid, the dhony shall not be permitted to depart from the port. The additional duty shall be carried to the account of the pension fund of the pilots.

Dhonies attempting to depart without paying duty, to be stopped, and a report made to the marine board, who may direct double duties to be levied. The additional duties to be carried to the credit of the pension fund of the pilots.

V. All dhonies trading to, or from, the port of Calcutta, shall be numbered, and the master attendant shall cause the numbers to be painted on the sterns of the vessel.

All dhonies to be numbered.

VI. A register shall be kept at the office of the master attendant of all dhonies trading to, or from, the port of Calcutta, in the following form:

The master attendant to keep a register of all dhonies.

REGISTER

## REGISTER OF DHONIES TRADING TO, OR FROM, THE PORT OF CALCUTTA.

| Names. | Nos. | Burthen in Maunds. | Names of the Masters or Syrangs. | To what Port the Dhonies belong. |
|---|---|---|---|---|
| | | | | |

A duty of one anna per ton on all trading vessels (dhonies and King's ships excepted) to be levied by the marine pay-master for defraying the expense of a powder magazine.

VII. *First.* Whereas the Governor General in Council has been pleased, by an order in Council, dated the 16th July 1801, and published in the Calcutta Gazette, to direct, that a magazine be erected at Atchepore, for the reception of the gun-powder of ships entering or lying in the river Hooghly, it is hereby enacted, for the purpose of defraying the expense of the erection of the said magazine, and of the establishment of officers to be attached thereto, that every vessel importing at the port of Calcutta, and every vessel exporting therefrom (dhonies and his Majesty's ships excepted), shall pay a duty of one anna per ton, for every ton of the tonnage of the vessel, to be calculated according to its measurement. The duty shall be collected by the marine paymaster when he levies the money for the pilotage of the vessels.

No vessel to receive a port clearance until such duty has been paid.

*Second.* In case the commander or owner of any vessel shall refuse to pay the duty established in this section, the collector of the government customs shall not grant a port clearance to such vessel, until the amount of the duty shall have been discharged.

# A. D. 1801. REGULATION VIII.

A REGULATION *for modifying the Mahomedan law in certain cases of* Kutl Khota, *or accidental homicide; and in other cases of the like nature.*—PASSED *by the Governor General in Council, on the 31st July 1801; corresponding with the 17th Sawun 1208 Bengal era; the 6th Sawun 1208 Fussily; the 17th Sawun 1208 Willaity; the 6th Sawun 1858 Sumbat; and the 19th Rubbee-ul-Awul 1216 Hegeree.*

FROM an exposition of the Mahomedan law given by the law officers of the nizamut adawlut, and from the books of authority cited by them, it appears, that a person deliberately intending to murder one individual and accidentally killing another, is not, by the Mahomedan law, held liable to the punishment of murder; this case, as well as all cases in which any mistake or accident may occur, either in the design of the person committing the homicide, or in the act whereby the homicide is committed, being considered, under the rules of *Kisas*, or retaliation and private satisfaction, upon which this part of the Mahomedan law is founded, to be within the legal denomination of *Kutl Khota*, or accidental

denial homicide; and consequently not liable to the punishment of wilful murder, but expiable by a fine to the heirs of the slain. It appears further that the Mahomedan law in this respect makes no distinction between involuntary homicide in the prosecution of a lawful intention, as for instance, shooting at a mark and accidentally killing a man; and involuntary homicide in the prosecution of an unlawful and murderous intention, such as shooting at a man with an intention to kill him and by accident killing another man; or even killing the person intended to be murdered, if any accident intervene, such as the arrow or other instrument of death passing by the person aimed at and killing him on a rebound; though the intention being in the first case innocent, in the two latter cases criminal; there is evident reason for distinguishing them, and on principles of public justice, which regards the detriment and danger to society from the commission of crimes, rather than the individual injury resulting from them, the homicide actually committed in prosecution of a deliberate intent to commit murder, must be held justly liable to the punishment of murder. The same reason is equally applicable in cases of a like nature where a person criminally intending to wound, maim, or otherwise do corporal injury to one individual, may in the prosecution of such criminal intention accidentally wound, maim, or otherwise corporally injure another person. With a view therefore to provide for the due administration of justice in such cases, and to deter all persons from the prosecution of unlawful criminal designs by warning them that they will be responsible for acts done by them in prosecution of such evil designs; the Most Noble the Governor General in Council has passed the following rules, in modification of the Mahomedan law, to be in force within the provinces of Bengal, Behar, Orissa, and Benares, from the 1st day of August A. C. 1801, corresponding with the 18th Sawun of the Bengal year 1208; the 18th Sawun 1208 Willaity; the 7th Sawun 1208 Fussily; the 7th Sawun 1858 Sumbut; and the 20th Rubbee-ul-Awul 1216 Higeree.

II.

II. After the date fixed for the operation of this regulation, any person who may be convicted of having, subsequent thereto, deliberately and maliciously intended to murder one individual, and of having, in the prosecution of such intention, accidentally killed another individual, shall on account of the murderous intention and actual homicide, be liable to the punishment of murder, in like manner as if he had killed the person intended to be murdered. In all such cases, the law officers of the courts of circuit and of the nizamut adawlut (to which court all trials of this description are to be referred) shall be required to state what punishment the prisoner would have been liable to, if he had committed the murder intended by him; and if their futwa shall declare him in such case liable to suffer death, or if under the futwa so given, and the modifications of the Mahomedan law, contained in Regulations IV. 1797, and VIII. 1799, or any other regulation, the prisoner be liable to suffer death; the court of nizamut adawlut, provided it be established to their satisfaction that the prisoner intended to commit the crime of deliberate and malicious murder; and that the homicide charged against him was actually committed by him in the prosecution of such murderous intention, shall sentence the prisoner to suffer death; unless they shall see any circumstances which may in their judgment render him a proper object of mercy, in which case they are to recommend to the Governor General in Council either the pardon of the prisoner; or a mitigation of his punishment, as they shall judge proper; stating in either case, their reasons for the pardon or mitigation of punishment recommended by them.

Any person convicted of an intention to murder an individual, and having in the prosecution of such intention, killed another person, shall be liable to the punishment of murder.

How the courts are to proceed in such cases.

III. The rule contained in the preceding section is to be considered equally applicable to any other cases of homicide which may be declared by the law officers of the courts of circuit or nizamut adawlut to be within the Mahomedan law of *Kuul-Khuta*, *Kuul-kaem-mekam-ba-khota*; or other legal denominations of accidental homicide; but in which the prisoner shall be clearly convicted of having committed the homicide proved against him

The foregoing rule declared applicable to all cases of accidental homicide wherein the criminal intention of the party, if carried into execution, would subject him to a sentence of death.

him with a murderous intention; such as if carried into effect would have subjected him to a sentence of death; or with a deliberate intention, to commit any crime, that, if committed in pursuance of the prisoner's criminal design, would have rendered him liable to a sentence of death.

Any person convicted of having, subsequent thereto, unlawfully and maliciously intended to wound, maim, or otherwise do corporal injury to one individual, and, in the prosecution of such intention, accidentally wounding another, shall be liable to the same punishment as if his criminal intention had been fully carried into execution.

IV. In like manner after the date fixed for the operation of this regulation, any person who may be convicted of having, subsequent thereto, unlawfully and maliciously intended to wound, maim, or otherwise do corporal injury to one individual; and of having, in the prosecution of such intention, accidentally wounded, maimed, or otherwise corporally injured another individual, shall be held punishable for the act committed by him with such unlawful and malicious intention, in like manner as if such act had been perpetrated on the person intended to have been wounded, maimed, or otherwise injured. The law officers of the courts of circuit, in such cases, shall be required to state the punishment to which the prisoner would have been liable if he had committed the act of which he is convicted, upon the person intended to have been wounded, maimed, or otherwise injured by him; and the courts of circuit shall pass sentence accordingly, or refer the trial to the court of nizamut adawlut, as the case may be referrible to that court, or otherwise, under the general regulations.

How the nizamut adawlut are to proceed in such cases.

V. In trials referred under the preceding section to the court of nizamut adawlut, the law officers of that court shall also declare in their futwa to what punishment the prisoner would have been liable, if the act, of which he is convicted, had been committed as intended by him; and the court after considering such futwa with the whole of the proceedings in the case are to pass such sentence on the prisoner, short of death, as they may judge adequate to his offence; or, if they consider him a proper object of mercy, may recommend his pardon to the Governor General in Council, stating their reasons for the pardon recommended by them.

VI.

VI.° Such part of Section III, Regulation IV, 1797, as authorizes the courts of circuit, in cases of *Kutl-Khoia*, and other cases of accidental homicide, when the prisoner may be declared liable to the Deyat, or price of blood, to commute such price to imprisonment, is not to be considered applicable to any of the cases noticed in Sections II, and III, of this regulation: but is to be in force, as heretofore, with regard to cases of homicide not otherwise provided for, by the above sections. The courts of circuit however are not to sentence the prisoner to suffer any imprisonment, or other punishment, in the cases of accidental homicide mentioned in Section III, Regulation IV, 1797, although the Deyat should be declared by their law officers to be payable under the Mahomedan law; if the homicide shall clearly appear to have been committed by misadventure in the prosecution of a lawful act, and without any malignant intention.

The rules contained in Section III, Regulation IV, 1797, not applicable to the cases treated of in Sections II, and III, of this regulation.

The courts are not however to pass sentence of imprisonment &c. in cases of accidental homicide when no unlawful or criminal intention appears.

# A. D. 1801. REGULATION IX.

A REGULATION *to limit the operation of Section* XV, *Regulation* VII, 1799, *upon persons employed in the salt manufacture, or in the provision of the Company's investment, and to explain and amend Section* II, *Regulation* XI, 1796, *with respect to persons so employed, and others charged with resistance of process under that regulation.*—PASSED *by the Governor-General in Council, on the* 31*st July* 1801; *corresponding with the* 17*th Sawun* 1208 *Bengal era; the* 6*th Sawun* 1208 *Fussly; the* 17*th Sawun* 1208 *Willaity; the* 6*th Sawun* 1858 *Sumbut; and the* 19*th Rubbee-ul-Awul* 1216 *Higeree.*

See Regulation IV. 1805 extending this Reg.^n as far as it is applicable to Benares.

SECTIONS XIX, XX, and XXI, of Regulation XXIX, 1793, contain provisions for preventing interruption to the salt manufacture, by the arrest and confinement of persons employed in it during the manufacturing season, viz. from the beginning of the month of Kautick, to the end of the month of Asser; on account of arrears of rent, or other claims of a civil nature; as well as on account of criminal charges for bailable offences; except in particular cases, wherein the personal attendance of persons employed

employed in the falt manufacture, may appear to the zillah judges or magiftrates to be indifpenfibly neceffary for the purpofes of juftice. Similar provifions were made by Sections IX, X, and XII, of Regulation XXXI, 1793, with refpect to weavers and others employed in the Company's inveftment, for the purpofe of preventing undue interruption to the commercial concerns of the Company. At the fame time, full provifion was made by the above regulations, for enabling proprietors and farmers of land to recover the rents due to them from their under-tenants, employed either in the falt manufacture, or in any part of the Company's inveftment, by empowering them to diftrain and fell, under certain reftrictions, the crops and perfonal property of their under-tenants in arrear, or to fue for the recovery of the amount due to them in the courts of dewanny adawlut; or to ftate their claims to the falt agent or commercial refident, who were authorized to fatisfy the fame, or to caufe the fame to be fatisfied by the under-tenant in arrear; provided the latter fhould be at the time in the actual employ of the Company; fo that neither his labour on their account might be interrupted; nor any arrear of rent withheld which might be juftly due for the land tenanted by him. It was not therefore intended, that molungees and others employed in the manufacture of falt, or weavers and others employed in the provifion of the Company's inveftment, fhould be included in the rule enacted by Section XV, Regulation VII, 1799, whereby proprietors and farmers of land, to whom an arrear of rent may be due from their under-tenants, which cannot be realized by a diftrefs of perfonal property, are authorized to caufe the arreft of the defaulter and his furety in the mode therein prefcribed, and their confinement after a fummary enquiry before the judge of the zillah dewanny adawlut. But from the general terms of this latter rule, a doubt has arifen, whether it was not meant to fupercede the former provifions in Regulations XXIX, and XXXI, 1793, refpecting perfons employed in the manufacture of falt, or in the Company's inveftment, who, as tenants of land, might become liable to the operation of Section XV, Regulation VII,

1799.

1799. It has also been doubted whether the rule contained, in Section II, Regulation XI, 1796, for apprehending persons charged with resistance to the process of a zillah or city magistrate, or police officer, could in any case admit of bail being taken from persons so charged; whether employed in the manufacture of salt, or the provision of the Company's investment, or otherwise. To remove all room for doubt on these points therefore, and to amend the rule last mentioned, in cases where the judgments of the magistrates may be within the powers vested in them, under Section VIII, Regulation IX, 1793; His Excellency the Most Noble the Governor General in Council has enacted the following regulation, to be considered in immediate force, throughout the provinces of Bengal, Behar, and Orissa; as well as in Benares, as far as it may be applicable to that province.

II. The summary process authorized by Clauses First, Second, Third, Fourth, Fifth and Sixth, of Section XV, Regulation VII, 1799, for the arrest and confinement of defaulting under-tenants of land and their sureties, shall not be applied to under-tenants employed in the manufacture of salt during the manufacturing season, as described in Section XVIII, Regulation XXIX, 1793. viz. from the commencement of the month of Kartick, to the end of the month of Assar, the rent payable by persons so employed can seldom be so considerable as not to be recoverable by distraining their crops and other personal property as authorized by Regulations XVII, 1793, XXXV, 1795, and VII, 1799; provided the distress be levied in due time; but if in any instance an arrear of rent should be due from a person employed in the manufacture of salt which cannot be realized by distraining his crops and other personal property (and that of his surety if he shall have given security), the proprietor, or farmer of land, to whom such arrear may be due, or his authorized representative, is to proceed for the recovery of it in the mode directed by Section XIX, Regulation XXIX, 1793, which is still to be considered in full force, as well as Sections XX, and XXI, of the same regulation,

The summary process authorized in Clauses First to Sixth, of Section XV, Regulation VII, 1799, shall not be applicable to under-tenants employed in the salt manufacture, during the manufacturing season.

Such persons to be proceeded against as directed in Section XIX, Regulation XXIX, 1793, and other sections.

gulation, notwithstanding any part of Regulation VII, 1799, or any other regulation passed antecedent to this date.

Sections IX, X, and XII, of Regulation XXXI, 1793, are also to be still considered in full force, with regard to weavers and others employed in the provision of any part of the Company's investment.

III. Sections IX, X, and XII, of Regulation XXXI, 1793, are also to be still considered in full force, with regard to weavers and others employed in the provision of any part of the Company's investment during the period they may be actually so employed. Proprietors and farmers of land to whom an arrear of rent may be due from persons so employed, are to proceed for the recovery of it in the mode directed by Clause Second, of Section IX, of the above regulation, and the further rules for distraining the crops and personal property of defaulting under-tenants contained in Regulations XXXV, 1795, and VII, 1799. The summary process for arrest and confinement authorized by the six first Clauses of Section XV, Regulation VII, 1799; is hereby declared not applicable to any persons who may be under engagements to the Company for any part of their investment, or who may be actually employed in providing the same. When such engagements may have been fulfilled however, or whenever any weaver or other person in the Company's employ may have satisfied all demands upon him on the part of the Company, he will be liable in common with other under-tenants, to be proceeded against for arrears of rent, as authorized by the above regulation, or by any other regulation applicable to persons not in the Company's employ. The restriction contained in Section XII, Regulation XXXI, 1793, that the persons of weavers in the employ of the Company shall not be liable to attachment in execution of decisions of the civil courts in favor of private merchants or other individuals, was not meant to restrict the confinement, under judicial process, of persons who may have satisfied all just demands upon them on the part of the Company, and who may not have taken new advances from the Company, or entered into new engagements with them, the fulfilment of which would be frustrated by the confinement of the contracting party. The several courts of justice are accordingly to observe this explanation of the rule abovementioned in all cases to which it may be applicable.

Such persons to be liable to the ordinary process, when their engagements have been fulfilled.

Explanation of Section XII, Regulation XXXI, 1793.

IV.

IV. The rule contained in Section II, Regulation XI, 1796, for apprehending persons charged with resistance to a warrant, order, or other process of a zillah or city magistrate, or a police officer, was not meant to restrict the magistrates from admitting to bail the person so charged, in cases not attended with aggravating circumstances; or in any case where the magistrate upon receipt of the charge, or in the course of his enquiry respecting it, or after he shall have passed judgment upon it, during the reference required by the above regulation to the court of nizamut adawlut, may judge it proper to admit the defendant to bail; on the contrary, as resistance of process is not included in the specification of crimes declared not bailable by Section VII, Regulation IX, 1793, and as the penalty provided for this offence by Section II, Regulation XI, 1796, is a forfeiture of property, or fine, (with eventual imprisonment or corporal punishment if the fine be not paid) it is hereby declared that persons apprehended on a charge of resistance of process under the above regulation, or under any other regulation, and who may not be accused of any aggravating crime, in addition to the resistance of process, such as is declared not bailable by Section VII, Regulation IX, 1793, or Section IV, Regulation XVI, 1795, are to be admitted to bail until a final decision shall have been passed upon the charge; provided the bail offered by them shall appear to the magistrate or other public officer to whom the charge may be preferred, sufficient for securing the appearance of the person so charged during the prescribed investigation of the case. Under this declaration, Clause Fourth, of Section XX, Regulation XXIX, 1793, and Clause Fourth, of Section X, Regulation XXXI, 1793, will of course be applicable to warrants on a charge of resistance of process only, which may be issued against any person employed in the salt manufacture during the manufacturing season; or against any person actually employed in providing any part of the Company's investment.

Explanation of Section II, Regulation XI, 1796, with respect to resistance to the process of the magistrates or police officers.

In what cases such persons may be admitted to bail.

To what cases Section XX, Regulation XXIX, 1793, and Clause Fourth, Section X, Regulation XXXI, 1793, are applicable.

V. It is further hereby provided, that in cases of resistance of process not attended with any aggravating circumstances wherein the

Magistrates may inflict punishment in certain

Cases for reference without the reference required in Clause Fifth, Section II, Regulation XI, 1796, but subject to the general rule contained in Section XVII, Regulation IX, 1793.

the magistrate before whom the charge may be tried, shall judge it sufficient to inflict the punishment which he is authorized to inflict for petty offences under Section VIII, Regulation IX, 1793, it shall not be necessary to transmit his proceedings for the confirmation of the nizamut adawlut, as required by Clause Fifth, of Section II, Regulation XI, 1796, but the judgment of the magistrates shall be executed in such cases, without reference to the nizamut adawlut, subject to the general rule contained in Section XVII, Regulation IX, 1793; whereby the judgment of the several zillah and city magistrates are liable to revision by the courts of circuit; and if appearing to have been passed upon insufficient grounds, to be altered or reversed by the court of nizamut adawlut. In the execution of this rule, the judges of the courts of circuit, to whom the original proceedings of the magistrates are submitted at the successive jail deliveries, are expected to examine with attention the proceedings of the magistrate in any case wherein a petition of complaint may be preferred to them at the jail delivery next ensuing after the magistrate's decision upon the case; and to make the report directed by the above section to the court of nizamut adawlut, if the circumstances of the case shall appear to require it; or, if otherwise, to inform the party complaining by a written order upon his petition.

In such cases the judges of the courts of circuit are to examine the proceedings of the magistrates with attention and report thereon.

# A. D. 1801. REGULATION X.

A REGULATION *for the eſtabliſhment of certain duties, to be levied on goods imported into the cities of* Patna, Dacca, Moorſhedabad, *and* Benares; *and for ſubjecting certain additional articles to the payment of the Calcutta town duties.*—PASSED *by the Governor General in Council, on the 6th Auguſt* 1801; *correſponding with the* 23*d Sawun* 1208 *Bengal era; the* 12*th Sawun* 1208 *Fuſſily; the* 23*d Sawun* 1208 *Willaity; the* 12*th Sawun* 1858 *Sumbut; and the* 25*th Rubbee-ul-Awul* 1216 *Higeree.*

THE reaſons which induced the Governor General in Council, to aboliſh (with certain exceptions) all internal duties and taxes coming under the denomination of ſayer, are ſtated in Regulations XXVII, 1793, and IV, 1795; in the ſame regulations the Governor General in Council declared, that he reſerved it for future conſideration what internal duties or taxes ſhould be impoſed, in lieu of the ſayer collections, for the eventual improvement of the public reſources. With a view to this object, the Governor General in Council has re-eſtabliſhed by Regulation V, 1801,

on

on certain articles, the Calcutta town duties abolished by Regulation XXXIX, 1795; and for the same purpose His Lordship has now determined that correspondent duties shall be re-established on certain articles imported into the cities of Patna, Dacca, Moorshedabad and Benares, in the room of the gunge duties and other internal duties formerly levied in the said cities, and also that certain additional articles shall be subjected to the payment of the Calcutta town duties established on imports from the interior of the country by Clause Second, Section VI, Regulation V, 1801; the following rules have been accordingly enacted, to take effect at Calcutta and Moorshedabad from the first day of September next and at Dacca, Patna and Benares, from the tenth day of September next.

Custom houses to be established at Patna, Dacca, Moorshedabad, and Benares.

II. Custom houses shall be established in the cities of Patna, Dacca, Moorshedabad and Benares, for the collection of certain duties on the goods hereafter specified, imported into the said cities under the rules hereafter prescribed.

Duties to be levied by collectors, who shall take an oath.

III. The duties shall be levied by officers to be denominated respectively collectors of the town duties at the cities of Patna, Dacca, Moorshedabad and Benares. Previously to entering upon the execution of the duties of their offices, the collectors shall respectively take and subscribe the following oath before the Governor-General in Council, or any person whom he may commission to administer it.

Form of the oath.

"I A. B. do solemnly swear, that I will faithfully discharge the duty of collector of the town duties at (name of the city); that I will not directly or indirectly, by myself, or others, be concerned in, or allow of any collections being made, but such as are authorized by, and brought to the credit of government; that I will not be concerned directly or indirectly, in the purchase of any goods or commodities in the British dominions in Bengal, for the purpose of remitting money to Europe; nor in any commercial

mercial transaction; that I will not take or receive, or knowingly allow any other person to take or receive, any present, gratuity, fee, or advantage whatever, on account of any matter relating to the duty of my office, excepting such as now is, or may be hereafter authorized by the Governor General in Council.

"So help me God."

Custom houses to be open from nine until two o'clock.

IV. The custom houses shall be open for the transaction of business, every day (Sundays excepted), from nine o'clock in the morning, until two o'clock in the afternoon.

Five per cent commission to be levied by the collectors for their own benefit.

V. The collectors are authorized to levy for their own benefit, a commission of five per cent on the amount of all duties collected on goods imported into the town.

A duty at the rate of four per cent to be levied on certain articles; to be regulated by a book of rates. Exceptions.

VI. A duty of four per cent shall be levied on the value of the undermentioned articles imported into the said cities, with the exception of such of the said articles as shall be imported from the territories of the Nabob Vizier, or of the Rajah of Nepaul, such value to be regulated by a book of rates to be kept for public inspection at the custom houses.

Tobacco.

Pawn.

Beetle-nut (Sooparry).

Cutch or cuth (terra japonica).

Ghee.

Pimento (or allspice), black pepper, long pepper, cardamums, cloves, mace, cinnamon, nutmegs, cassia, cummin-seed, anni-seed and spices of every description.

Mustard seed oil, cocoanut oil and vegetable oils and oil seeds of every description.

Embroidered goods (Keemkhabs, &c.)

Gold and silver lace.

Chunam.

Hides.

Soap

Soap and tallow.
Brafs and copper utenfils.
Stone plates.
Charcoal.
Raw filk.
Indigo.
Sugar, fugar candy and gobr.
Salt-petre.
Turmeric.
Rofe water.
Wax and wax candles.
Shawls.
Carpets (fetringes and gnelechas.)
Paper, the manufacture of the Britifh territories under the immediate government of the prefidency of Fort William.
Sulphur.
Shell lac and ftick lac.
Affafœtida.
Dammer.
Houfehold furniture of all forts.
Gunnies, gunny bags and chutta.
Blankets.
Elephants' teeth.
Buffalo horns.
Cuffum flower.
Shoes and flippers of all forts.
Mogul caps.
Hooka fnakes.
Sandal-wood.
Red wood.
Gold and filver thread.
Tincal.
Borax.
Leather of all forts.
Iron, and manufactured iron of all forts.

Indigo

Indigo seed.
Gums of all sorts.
Nux vomica.
Soojymutty.
Otta of roses and otta of all sorts.
Tootea.
Sal-ammoniac.
Vidry ware.
Dry ginger.
Cow tails.
Butch.
Jungall or verdigrease.
Sindoor or country red lead.

VII. A duty of two per cent on a valuation to be specified in the book of rates, shall be levied on the value of the following articles, provided that they shall not have been imported from the territories of the Nabob Vizier, or of the Rajah of Nepaul:

A duty at the rate of two per cent to be levied on certain articles.

Exceptions.

Piece goods of whatever description.
Cotton.
Cotton yarn.

VIII. The collectors are hereby authorised and required to propose to the board of trade, for the consideration of the Governor General in Council, any alterations in the rates of duty which may appear to them proper; and also to suggest what other articles, not subjected to the duties established by this regulation, they would recommend to be charged with duty.

Collectors authorised to propose alterations in the rates of duty, and also to suggest what additional articles may be charged with duty.

IX. On such of the articles specified in Sections VI, and VII, as shall be imported from the dominions of His Excellency the Nabob Vizier, the town duties at Patna, Dacca, Moorshedabad and Benares shall be levied at the rates at which the authorized gunge duties were levied on such articles in the year 1788, agreeably to the stipulations contained in the following article of the

Duties on goods imported from the dominions of the Nabob Vizier, how to be levied.

commercial

commercial treaty concluded with the Nabob Vizier on the 1st September, 1788.

"*Article* 10. Goods exported from the provinces of Bengal, "Behar, or Orissa, or from the district of Benares to the domini- "ons of the Nabob Vizier, after having paid the import duties "to His Excellency according to the rates, and in the mode pre- "scribed in the foregoing articles, if sold in the dominions of the "Nabob Vizier, shall be subject to the established local duties of "the market or gunge in which they are disposed of. Provided "nevertheless, that if the said goods shall be sold for the purpose "of being exported beyond the confines of His Excellency's do- "minions, and not for the consumption of the same, no local "gunge or market duty, or any other duty whatsoever shall be "levied on account of such sale or purchase; but the import "rowannah of the seller shall be indorsed by the collector, or head "officer in charge of such gunge, and delivered over to the pur- "chaser, who shall transport the goods through the dominions of "the Nabob Vizier, without further molestation; if such purcha- "ser however should afterwards dispose of the said goods for con- "sumption, in any market or gunge in His Excellency's territo- "ries, they shall be subject to the established duties of the same. "In like manner goods exported from the dominions of His Ex- "cellency, to the dominions of the Company, after having paid "the import duty in the latter, according to the rates and in the "mode prescribed in the foregoing articles, if sold in any gunge "or market, shall be subject to the local gunge or market duties "under the preceding limitations.

"The gunge duties to be thus levied are not to exceed the an- "cient established rates, to which no addition shall be made with- "out the mutual consent of the contracting parties."

Collectors authorised to propose additional regulations.

X. The collectors are hereby authorized and required to propose any regulations which may appear to them calculated to facilitate the collection of the town duties.

XI.

XI. A drawback equal to the amount of the duties established by this regulation on piece goods, raw silk, and indigo, on the importation of those articles into the cities of Patna, Dacca, Moorshedabad and Benares, shall be allowed on such goods being exported from the said cities within six months from the date of their importation. In cases in which any such goods shall be imported into the said cities expressly for the purpose of exportation, the owner or person in charge of the goods shall not be required to pay the duties, provided he shall give satisfactory security to the collector for the payment of the same in the event of the goods not being exported within six months from the date of their importation.

Drawback allowed on certain articles, if exported within six months from the date of their importation.

In cases in which any such goods shall be imported expressly for exportation, the duties not to be levied under certain conditions.

XII. All goods chargeable with duty shall be imported into the cities respectively at such gauts, or at such places as the collector of the town duties shall establish, and a list of the articles subject to duty and of the rates of duty, shall always remain fixed up at such gauts or places.

Goods chargeable with duty, shall be imported at such gauts or places as the collectors shall establish.

List of the articles subject to duty, and the rates of duty to remain fixed up at such gauts or places.

XIII. All goods chargeable with duty (excepting gruff goods which are authorized to be passed in the manner hereafter directed) shall be brought to the custom house, and the merchant or person having the charge of the goods, shall immediately on his arrival at the city deposit the goods in the custom house warehouses or godowns; and the owner or person aforesaid, shall deliver a chellaun specifying the sorts and quantity of the goods to the collector, who shall affix his name to the chellaun with the words "examine," or "weigh," according to the sort of goods.

All goods chargeable with duty, gruff goods excepted, on their arrival at the gauts or places, established by the collectors to be deposited in the godowns, and a chellaun to be delivered to the collector.

XIV. In cases in which the collectors shall have reason to suspect that any bale of piece goods does not correspond with the chellaun or invoice, he shall summon the proprietor or the person having the charge of the goods, and (in his presence should he attend) shall cause the goods to be examined and appraised. In the event of its appearing that the goods are of more valuable assortments than

Double duty and double commission to be charged in certain cases.

than those specified in the chellaun, the goods shall be charged with double duty and double commission.

If a larger quantity of goods than that stated in the chellaun, is attempted to be passed, the goods liable to confiscation.

XV. Should any attempt be made to pass a larger quantity of goods than that which is specified in the chellauns, the goods shall be liable to confiscation.

Duties on gruff goods how to be levied.

XVI. When gruff goods shall be passed at the custom house, a certain quantity shall be indiscriminately taken and weighed, and the remainder shall be counted off and passed. The weight of the whole quantity of the goods shall then be calculated at the average weight of the quantity weighed, and the duty shall be levied accordingly.

Gruff goods not to be passed without a perwannah from the collector. Such perwannah to be issued on the next day, or in cases of emergency on the same day.

XVII. All gruff goods of whatever description which shall be landed at any of the ghauts, or which shall be brought to any of the entrances of the several cities, shall be weighed and passed under the inspection of the Company's officers in the manner prescribed with regard to gruff goods passed at the custom house, with this difference, that after the quantity shall have been ascertained, the goods shall not be passed until a perwannah, drawn out according to the following form and signed by the collector, shall be exhibited to the officers at the ghauts or entrances where the goods are detained. The perwannah shall be issued on the day after that on which application for it shall be made, and in cases of emergency on the same day.

FORM OF THE PERWANNAH.

"*19th September* 1793.

"RAMNARAIN DOSS,

"Sugar 75 bags, weighing 150 maunds, value Ct. Rs. 1,214.

"Duty at four per Cent. 98 9 0.

"Commission.

"No. 451.

"Entered (Signed) "A. B.

"*Collector.*"

XVIII.

XVIII. A register of duties collected on goods imported into the respective cities and a register of the goods on which a drawback of the duties shall be granted under Section XI, shall be kept by the collector according to the forms which may be prescribed by the board of trade.

Registers of duties on imports and goods on which drawbacks shall be granted, to be kept by the collectors.

XIX. Bills signed by the collector shall be delivered for the amount of all duties and the commission chargeable thereon, which shall be levied by him.

Bills signed by the collectors, to be delivered for duties levied and commission charged.

XX. Should any person refuse or omit to pay the established duties, or if the security tendered for the duties and the commission chargeable thereon should not be satisfactory, such part of the goods as shall be deemed equal in value to the amount of the duties and the commission, shall be secured and deposited in the custom house, until the duties and the commission shall be paid; and in the event of the amount of the duties and the commission not being discharged within the period of one month from the date on which the same shall have become payable, the goods shall be sold at public sale.

Collectors how to act should any person refuse or omit the payment of the duties and commission.

XXI. After deducting the amount of the duties and of the custom house charges, the balance of the sales of goods disposed of under the preceding section, shall be paid to the owners of the goods, on the owners making application for the same.

Balance of the sales of goods sold under the preceding section, how to be paid.

XXII. Goods subject to duty and attempted to be conveyed into the town without having paid the established duty, are declared liable to confiscation.

Goods attempted to be conveyed into the town without having paid the duty, liable to confiscation.

XXIII. Whenever goods shall be detained on account of circumstances subjecting them eventually to confiscation, the collector shall submit the case without delay to the board of trade for their decision.

Collectors to submit to the board of trade, all cases of goods detained eventually for confiscation.

XXIV.

Proceeds of the sales of goods confiscated, how to be applied.

XXIV. In the event of goods or merchandise being confiscated under this regulation, the same shall be sold by public auction, and the net proceeds of the sales shall be divided as follows:

One-fifth to the collector.

Two-fifths, in equal proportions, to the informer and the officers of government making the seizure.

Two-fifths to the Company.

Board of trade may release goods liable to confiscation, or remit other penalties which may have been incurred.

XXV. The board of trade are hereby empowered, in cases in which there may appear to them sufficient cause for so doing, to direct the release of any goods which may have become liable to confiscation, or to remit any other penalties which may have been incurred for the breach of any rule contained in this regulation.

The board of trade may commute higher penalties, for double duty and double commission.

XXVI. The board of trade are hereby further empowered to order double duty and double commission to be levied, in lieu of any higher penalty which may be incurred, in cases in which there may appear to them grounds for mitigation of such penalty.

No collections whatever to be levied, but such as are authorized by this or any other regulation published in the manner prescribed.

XXVII. No collections whatever either as duties, commission, or under any other denomination, shall be levied by any of the officers employed in the collection of the town duties excepting such as are or shall be authorized by this or any other regulation, printed and published in the manner prescribed in Regulation XLI. 1793.

Penalty for officer guilty of a breach of the rule in the preceding section.

XXVIII. Any native officer proved to the satisfaction of the collector to have been guilty of a breach of the rule contained in Section XXVII, shall be dismissed from his employment and shall be subject, in addition to the repayment of the amount or value of the money or property exacted, to such fine as the collector may think proper to impose, provided it exceed not the amount of the officer's salary for six months. When the collector shall impose a fine upon any such officer, he shall certify the same through the vakeel of government to the zillah or city court to

Fine how to be levied.

which

which the offender may be amenable, ſtating the amount of the fine and the ſum to be refunded, and the judge upon the receipt of ſuch document ſhall levy the fine to be paid and the amount to be refunded, by the ſame proceſs as is preſcribed for enforcing decrees of the court.

Collectors, their aſſiſtants and native officers, amenable to the courts of judicature.

XXIX. The collectors and their aſſiſtants and native officers, are to be conſidered to be amenable under Section X, Regulation III, 1793, or Section VII, Regulation VII, 1795, (according to the juriſdiction in which the cuſtom houſes to which ſuch officers ſhall be reſpectively attached, may be ſituated,) to the courts of judicature, for all acts done by them which may be repugnant to the regulations preſcribed for their guidance; and any perſon deeming himſelf aggrieved under this, or any other regulation eſtabliſhed for the collection of the town duties, by any act done by the Governor General in Council, by the board of trade, or by the collector of the government cuſtoms, ſhall be at liberty to ſeek redreſs in the manner preſcribed by Section XI, Regulation III, 1793, or Section VII, Regulation VII, 1795, according to the caſe; and all the rules contained in Regulation XXXIX, 1795, from the commencement of Clauſe Second, Section XXII, to the concluſion of the ſaid regulation, are hereby declared to be extended to all ſuch complaints as ſhall be made reſpecting the collection of the town duties at Calcutta, and at the cities of Patna, Dacca, Moorſhedabad and Benares.

Perſons deeming themſelves aggrieved, how to ſeek redreſs.

Goods imported from the territories of the Rajah of Nepaul, in what caſes exempt from the duties eſtabliſhed by this regulation.

XXX. Any of the articles ſpecified in Sections VI, and VII, of this regulation, which ſhall be imported from the territories of the Rajah of Nepaul and which ſhall have paid the duty of two and an half per cent, ſtipulated to be paid on the importation of ſuch goods into the Britiſh territories by the treaty concluded with the Rajah of Nepaul on the firſt day of March, 1792, are hereby declared to be exempted from the duties eſtabliſhed by the preceding ſections of this regulation, in conformity to the ſtipulations contained in the ſaid treaty.

XXXI.

Additional articles subjected to the Calcutta town duties.

XXXI. The following articles, in addition to the articlec specified in Clause Second, Section VII Regulation V. 1801, are hereby subjected to the Calcutta town duty of four per cent on their importation into the town from the interior of the country; such duty to be collected agreeably to the rules contained in the said regulation for the collection of the town duty on inland imports.

Dammer,
Houſehold furniture of all ſorts,
Mundiſſa,
Mats of all ſorts,
Gunnies, gunny bags and chutta,
Blankets,
Elephant's teeth, and buffalo horns,
Cuſſum flower,
Shoes and ſlippers of all ſorts,
Mogul caps and hooka ſnakes,
Sandal wood and red wood,
Gold and ſilver thread,
Tincal,
Borax,
Leather of all ſorts,
Iron,
Manufactured iron of all ſorts,
Indigo ſeed,
Guns of all ſorts,
Nux Vomica,
Soojymutty,
Otta of roſes and otta of all ſorts,
Tooſea,
Sal-ammoniac,
Vidry ware,
Dry ginger,
Cow tails,
Butch,
Jungall or Verdigreaſe,
Sindoor or country red lead.

# A. D. 1801. REGULATION XI.

A REGULATION *for re-establishing, with certain alterations, the government customs heretofore levied at* Calcutta *on inland imports and exports, and also the government customs heretofore levied at* Hooghly, Moorshedabad, Dacca, Chittagong *and* Patna, *and discontinued by the orders of the Governor General in Council, dated the 20th June, 1788; and for withdrawing the custom house established at* Mangee *by the said orders and continued under Regulation* XLII, 1793.—PASSED *by the Governor General in Council, on the 6th August* 1801; *corresponding with the 23d Sawun* 1208 *Bengal era; the 12th Sawun* 1208 *Fussily; the 23d Sawun* 1208 *Willaity; the 12th Sawun* 1858 *Sumbut; and the 25th Rubbee-ul-Awul* 1216 *Hygeree.*

ON the 20th June 1788, the Governor General in Council discontinued the collection of the duties of two and a half per cent, denominated the government customs, levied on all goods and merchandise at custom houses established for that purpose at

Calcutta,

Calcutta, Moorshedabad, Hooghly, Dacca, Chittagong and Patna. By Regulation XXXIX, 1795, the government customs at Calcutta were re-established on imports by sea, and by Regulations I, 1797, and XI, 1800, an addition of one per cent was made to the rate of those duties. With a view to the improvement of the public resources, the Governor General in Council has now deemed it to be proper to re-establish, with certain alterations, the government customs heretofore levied at Calcutta on goods exported from Calcutta into the interior of the country, and on goods imported into Calcutta from the interior of the country; and also the government customs heretofore levied at Hooghly, Moorshedabad, Dacca, Chittagong and Patna, such customs to be levied (with certain exceptions) at the augmented rate of three and a half per cent. The following rules for levying the said customs are accordingly enacted and are to take effect at Calcutta, Hooghly and Moorshedabad, from the first day of September next; and at Dacca, Chittagong and Patna, from the tenth day of September next.

Custom house at Mangee withdrawn, and Sections I, to XX, of Regulation XLII, 1793, rescinded.

II. The custom house at Mangee established by Clause First, Section III, Regulation XLII, 1793, is hereby withdrawn, and the several sections of the said regulation from Section I, to Section XX, are hereby rescinded.

Custom houses at Dacca, Patna, Moorshedabad, Chittagong and Hooghly, re-established.

III. *First.* The custom houses formerly established at Dacca, Patna, Moorshedabad, Chittagong and Hooghly, for the collection of the government customs, and withdrawn by the orders of the Governor General in Council dated the 20th of June 1788, are hereby re-established for the collection of the government customs, at the rates and on the articles hereafter specified.

Government customs formerly levied on inland imports and exports, re-established.

*Second.* The government customs formerly levied at Calcutta on inland imports and exports, and discontinued by the before-mentioned orders of the Governor General in Council dated the 20th June 1788, are hereby re-established at the rates and on the articles hereafter specified.

IV.

IV. *First.* The government customs to be levied at the custom houses re-established by Clause First, Section III, shall be levied by officers to be severally styled collectors of the government customs at Dacca, Patna, Moorshedabad, Chittagong and Hooghly. Previously to entering upon the execution of the duties of their respective offices, the collectors shall severally take and subscribe the following oath before the Governor General in Council, or any person whom he may commission to administer it:—

Customs to be levied by collectors, who shall take an oath.

"I A. B. do solemnly swear, that I will faithfully discharge the duty of collector of the government customs at ; that I will not directly or indirectly, by myself or others, be concerned in, or allow of any collections being made but such as are or may be hereafter authorized by and brought to the credit of government; that I will not be concerned, directly or indirectly, in the purchase of any goods or commodities in the British dominions in Bengal, for the purpose of remitting money to Europe, nor in any commercial transaction; that I will not take or receive, or knowingly allow any person to take or receive any present, gratuity, fee, or advantage whatever, on account of any matter relating to the duty of my office, excepting such as now is or may be hereafter authorized by the Governor General in Council."

"SO HELP ME GOD."

Form of the oath.

*Second.* At Calcutta, the customs on the inland imports and exports shall be levied by the collector of the government customs now collected on the imports and exports by sea.

At Calcutta, the customs to be levied by the collector of the government customs on imports and exports by sea.

*Third.* The several custom houses shall be open for the transaction of business every day (Sundays excepted) from ten o'clock in the morning until four o'clock in the afternoon.

Custom houses to be open from ten until four o'clock.

V. The collectors of the government customs at Calcutta, Patna, Dacca, Moorshedabad, Hooghly and Chittagong, shall respectively establish custom house choukies at the several places at which

The collectors how to establish choukies.

which chokies were established previously to the discontinuance of the collection of the government customs on the 20th June 1788. If the board of trade shall be of opinion that it will be advisable to increase or diminish the number of the said chokies, or to change their situation, that board shall submit their opinion to the Governor General in Council, who will pass such orders on the subject as he shall deem proper.

*GOVERNMENT CUSTOMS TO BE LEVIED AT PATNA.*

Rate of customs on all imports and exports with exceptions.

VI. *First.* All goods imported into the province of Behar from the westward, southward, or northward, and all goods exported from the province of Behar to the westward, southward, or northward, shall pay a duty of three and one-half per cent, with the exceptions hereafter specified.

Customs on imports by the route of, or from the province of Benares. Exceptions.

*Second.* Goods imported into the province of Behar by the route of, or from the province of Benares (with the exceptions hereafter specified in this section with regard to goods imported into Behar through Benares from the dominions of the Nabob Vizier and from the territories of the Rajah of Nepaul) accompanied by a rowannah taken out at any of the custom houses in the province of Benares, agreeably to the regulations in force therein, shall pay the import duty of three and one-half per cent on the valuation specified in the Benares rowannahs.

Customs how to be levied on silk and cotton piece goods, and piece goods made partly of silk and partly of cotton, imported from the dominions of the Nabob Vizier through Benares.

*Third.* Silk and cotton piece goods, and piece goods made partly of silk and partly of cotton, which shall be imported into the province of Behar from the dominions of His Excellency the Vizier through the province of Benares, and which shall have paid the established duty of two and a half per cent in the said province of Benares, shall not be subject to any further duty on their importation into the province of Behar. But all other descriptions of goods which shall be imported from the dominions of the Vizier into the province of Behar through the province of Benares, and which shall have paid the established duty of two and one-half per

cent

cent in Benares, shall be subject on their importation into the province of Behar to a duty of two and a half per cent on the prices specified in the rowannah of the custom house in Benares.

*Fourth.* Goods imported into the province of Behar from the dominions of His Excellency the Nabob Vizier, whether the produce of His Excellency's dominions or of any other foreign country, without passing through the province of Benares, shall pay the following duties on the price specified in His Excellency's rowannahs. In cases in which no rowannahs shall accompany the goods, or in which the rowannahs accompanying the goods shall appear to the collector of the customs to be informal and insufficient, the duties shall be levied on the valuation specified in the book of rates.

Customs how to be levied on goods imported from the dominions of the Vizier, without passing through Benares.

| | |
|---|---|
| Silk and cotton piece goods and piece goods made partly of silk and partly of cotton - - - - - - | 2½ per cent. |
| All other goods - - - - - - - - - - | 5 ditto. |

*Fifth.* All goods imported into the province of Behar from the territories of the Rajah of Nepaul, shall pay a duty of two and one-half per cent agreeably to the treaty concluded with the Rajah of Nepaul under date the first of March 1792, unless the said goods shall have been imported through the province of Benares, and shall have previously paid the duty of two and one-half per cent at any of the custom houses in that province, in which case the said goods shall be imported free of duty into the province of Behar; and if the person importing the goods shall not dispose of them and shall export them from the Company's provinces, the goods shall be exempt from any export duty.

Customs how to be levied on goods imported from the territories of the Rajah of Nepaul.

*Sixth.* Any of the articles specified in the following list, which shall have been produced or manufactured within the limits of the line of chokies or stations of the collector of the government customs at Patna, and which shall be exported without the limits of the said line of chokies, to any place within the limits of the

Articles subject to custom at the rate of 2½ per cent. exported without, or imported into the limits of the line of chokies under the collector of Patna.

Company's

Company's provinces of Bengal, Behar and Orissa; and also any of the articles named in the said list produced or manufactured in the provinces of Bengal, or Behar, or the part of the province of Orissa subject to the dominion of the Company, which shall be brought within the limits of the said chokies, and which shall not have paid the government customs at any custom house in Bengal, shall be subject to a duty of three and a half per cent.

Tobacco.
Pawn.
Beetle-nut (Sooparry).
Cutch or cuth (terra japonica).
Ghee.
Pimento (or allspice), black pepper, long pepper, cardamums, cloves, mace, cinnamon, nutmegs, cassia, cummin-seed, anni-seed and spices of every description.
Mustard seed oil, cocoanut oil and vegetable oils and oil seeds of every description.
Embroidered goods (Keemkhabs, &c.)
Gold and silver lace.
Chunam.
Hides.
Soap and tallow.
Brass and copper utensils.
Stone plates.
Charcoal.
Raw silk.
Indigo.
Sugar, sugar candy and goor.
Salt-petre.
Turmeric.
Rose water.
Wax and wax candles.
Shawls.
Carpets (setringes and ghelechas.)

Paper,

Paper, the manufacture of the British territories under the immediate government of the presidency of Fort William.

Sulphur.

Shell lac and stick lac.

Assafœtida.

Dammer.

Household furniture of all sorts.

Gunnies, gunny bags and chutta.

Blankets.

Elephant's teeth.

Buffalo horns.

Cussum flower.

Shoes and slippers of all sorts.

Mogul caps.

Hooka snakes.

Sandal wood.

Red wood.

Gold and silver thread.

Tincal.

Borax.

Leather of all sorts.

Iron, and manufactured iron of all sorts.

Indigo seed.

Gums of all sorts.

Nux vomica.

Soojymutty.

Otta of roses and otta of all sorts.

Tootea.

Sal-ammoniac.

Vidry ware.

Dry ginger.

Cow tails.

Butch.

Jungall or verdigrease.

Sindoor or country red lead.

GOVERN-

## GOVERNMENT CUSTOMS TO BE LEVIED AT CALCUTTA.

CALCUTTA.

Articles specified in Clause Sixth, Section VI, exported inland, or imported into the limits of the chokies under the collector of the government customs at Calcutta, subject to customs at the rate of 3½ per cent.

VII. *Fifth.* Any of the articles specified in the list inserted in Clause Sixth, Section VI, being the produce or manufacture of any place within the limits of the chokies of the collector of the government customs at Calcutta, which shall be exported inland to any place within the provinces of Bengal, Behar, or the part of the province of Orissa subject to the dominion of the Company, or to any place out of the limits of the said provinces; and also all articles named in the said list which shall not have previously paid the government customs at any custom house, and which shall be imported from inland within the limits of the said chokies from any place within the said provinces, shall pay a duty of three and one-half per cent; if any of the goods specified in the said list so imported within the limits of the Calcutta chokies, should afterwards be exported by sea within nine months from the period of the payment of the duty on their importation, no further government duty shall be levied on the said goods on their exportation by sea, provided the shippers shall deliver up the rowannahs obtained on the payment of the government customs on the importation of the goods.

Such articles if exported by sea within nine months from their importation, to be exempt from further duty on certain conditions.

*Second.* All goods whatever imported by sea into the settlement of any foreign European nation in Bengal, and which shall be brought from the said settlements to Calcutta, shall be subject to a duty of three and one-half per cent, provided that such goods shall not have previously paid the said duty at any other custom house. Government customs to be collected at the custom houses at Dacca, Moorshedabad and Hooghly.

Customs how to be levied on goods imported by sea into foreign settlements, and afterwards brought to Calcutta.

Dacca, Moorshedabad and Hooghly.

VIII. *First.* Any of the articles specified in the list inserted in Clause Sixth, Section VI, of this regulation, being the produce or manufacture of any place within the limits of the chokies of the said custom houses, which shall be exported inland to any place within the limits of the provinces of Bengal or Behar, or of the part of the province of Orissa, subject to the dominion of the

Articles specified in Clause Sixth, Section VI, exported inland, or imported into the limits of the chokies, under the collectors at Dacca, Moorshedabad and Hooghly, subject to customs at the rate of 3½ per cent.

the Company, or to any place without the said limits, and also such of the goods specified in the said list as shall be imported from inland within the limits of the said chokies, from any place in Bengal or Behar, or the part of Orissa subject to the dominion of the Company, or from any place without the limits of the said provinces, such goods respectively, provided that they shall not have previously paid the government customs at any other custom house, shall be subject to a duty of three and one-half per cent.

Customs at the rate of 3½ per cent to be levied at Hooghly on exports into the interior of the country from foreign settlements, of goods imported therein by sea, and which shall not have paid the government customs at Calcutta.

*Second.* All goods imported by sea into the settlements of any foreign nation in Bengal, and which shall not have paid the government customs at Calcutta, shall be subject on their exportation from the said settlements, into the interior of the country, to the payment of a duty of three and one-half per cent at the custom house at Hooghly.

Customs how to be levied on exports by sea from foreign settlements.

*Third.* All goods to be exported by sea from the settlement of any foreign nation in Bengal, and which shall not have previously paid the government customs at any custom house in Bengal or Behar, shall pay a duty of three and one-half per cent at the custom house at Hooghly. If the said goods shall have previously paid the government customs at any other custom house in Bengal or Behar, they shall not be liable to any duty on exportation by sea.

## *GOVERNMENT CUSTOMS TO BE COLLECTED AT CHITTAGONG.*

CHITTAGONG.

Customs on imports by sea, within the limits of the chokies under the collector at Chittagong, at what rate and how to be levied.

IX. *First.* All goods whether produced or manufactured in the provinces of Bengal or Behar, or the part of Orissa subject to the dominion of the Company, or in any other country, which shall be imported by sea at any place within the limits of the chokies of the custom house at Chittagong, shall be subject to a duty of three and one half per cent, provided that such goods shall not have paid the government customs at any custom house in the said provinces.

*Second.*

Goods imported expressly for exportation by sea, the duty of three and one-half per cent.

*Second.* All goods the produce or manufacture of the provinces of Bengal or Behar, or the part of Orissa subject to the dominion of the Company, which shall not have paid the government customs at any other custom house, and which shall be imported into any place within the limits of the chokies of the custom house at Chittagong expressly for the purpose of exportation by sea, shall be subject on exportation to the payment of a duty of three and one-half per cent on the valuation specified in the book of rates. All goods so imported for exportation by sea which shall have previously paid the government customs at any other custom house, shall be permitted to be exported from Chittagong without being liable to further duty at that custom house.

Such goods not liable to further duty in remaining ports.

Customs on foreign produce: at what rate will have to be levied.

*Third.* Goods the produce or manufacture of any foreign country imported from inland into any place within the limits of the chokies of the custom house at Chittagong, shall be subject to a duty of three and one-half per cent, provided that the goods shall not have previously paid the government customs at any other custom house. If the said goods shall be afterwards exported by sea, they shall not be subjected to any further duty.

Articles specified in Clause Sixth, Section VI, exported without or imported into the limits of the chokies under the collector at Chittagong, subject to custom at three and one-half per cent.

*Fourth.* Any of the articles specified in the list inserted in Clause Sixth, Section VI, of this regulation, the produce or manufacture of any place within the limits of the chokies of the custom house at Chittagong, which may be exported inland to any place within or without the limits of the Company's provinces, and also any of the said descriptions of goods which shall be imported by land within the limits of the said chokies, without having paid the government customs at any other custom house, and which shall not be intended for exportation, shall be subject to a duty of three and one-half per cent. The goods so imported if afterwards exported by sea shall not be subject to any duty on exportation.

Goods imported by sea, which shall have paid

X. *First.* Goods imported into Bengal by sea, which shall have paid the government customs at the custom houses at

Calcutta,

Calcutta, Hooghly or Chittagong, shall not be subjected to any further duty under this regulation, on their being exported into the interior of the country; and the collectors shall grant a rowannah free of duty for the exportation of the goods into the interior of the country, and the said rowannah shall exempt the goods from the payment of any further duty under this regulation, during the period for which the rowannah may be current.

the government customs at Calcutta, Hooghly or Chittagong, not subject to further duty on exportation into the interior of the country. Rowannahs to be granted for such goods.

*Second.* Goods imported into Bengal by sea which shall have paid the government customs at Calcutta, Hooghly or Chittagong, and which shall be cleared out from the said custom houses for the purpose of being exported through the interior of the provinces of Bengal, Behar, or the part of Orissa subject to the dominion of the Company, to any place out of the limits of the said provinces, shall be entitled to a rowannah for that purpose, which shall exempt the goods from the payment of any duty under this regulation, in their passage through the interior of the said provinces, and also of their exportation therefrom, provided the goods shall be exported within the period for which the rowannah shall be current.

Goods imported by sea which shall have paid the government customs at Calcutta, Hooghly or Chittagong, to be entitled to a rowannah to exempt them from further duty, while it shall be current, if the goods are to be exported beyond the limits of the Company's provinces.

XI. All the duties payable under this regulation shall be paid, and the rowannahs for covering the goods shall be obtained previously to the goods passing or attempting to pass any of the chokies dependant on the custom houses at which the duties are to be levied. Goods seized, after having passed, or in the attempt to pass the said chokies, without having paid the established duties, shall be liable to confiscation.

Duties to be paid and rowannahs obtained previously to goods passing the chokies, otherwise the goods will be liable to confiscation.

XII. *First.* The collectors of the government customs are authorized to levy for their own benefit, in addition to the customs collected at their respective stations, a commission of four per cent on the amount of the customs.

Collectors authorized to levy a commission of four per cent for their own benefit.

*Second.* The commission levied by the collector of the government

The commission levied by the

collector at Calcutta, how to be disposed of.

ment customs at Calcutta shall be divided between him and his deputy in the following proportions:

To the collector nine-tenth parts.

To the deputy collector one-tenth part.

Fees authorized and how to be levied by the collector at Calcutta.

*Third.* Upon goods exported by sea exempt from the payment of the government customs at Calcutta under Clause First, Section VII, the collector of the government customs at Calcutta is authorized to levy a fee for his own benefit and that of his deputy, at the following rate:—if the goods be of the value of sicca rupees five hundred or under, eight annas; if above sicca rupees five hundred and not exceeding sicca rupees one thousand, one rupee; if above sicca rupees one thousand and not exceeding sicca rupees two thousand, one rupee and four annas; and on goods of higher value, the fee is to be increased four annas for every thousand rupees in the increase of the value of the goods. The fee is to be levied on the valuation of the goods stated in the rowannah granted at the custom house at which the duties on the goods were paid. The fee shall be divided between the collector and his deputy in the proportions prescribed for the division of the commission.

How to be divided.

Fees on rowannahs authorized, and how to be levied by collector at Calcutta.

*Fourth.* On any rowannah being granted by the collector of the government customs at Calcutta under Section X, to cover goods which have paid the government customs on importation by sea, the collector is authorized to levy a fee for his own benefit and that of his deputy, at the same rates as are specified in the preceding clause. The fee shall be divided between the collector and his deputy in the same proportions as are prescribed for the division of the commission.

How to be divided.

Fees, how to be levied by collector at Chittagong.

*Fifth.* The collector of the government customs at Chittagong shall levy for his own benefit a fee at the rates specified in Clause Third, Section XII, on goods which may be exported by sea exempt from the payment of duty at Chittagong under the rules contained in Section IX, and a fee at the same rate on each

rowannah

rowannah granted for goods which may be exported from Chittagong into the interior of the country free of duty under Section X.

*Sixth.* The collector of the government customs at Hooghly shall levy for his own benefit a fee at the rates specified in Clause Third, Section XII, on goods which may be exported by sea from the possessions of any foreign European nation in Bengal, exempt from the payment of duty at Hooghly, under Clause Third, Section VIII, and a fee at the same rate on each rowannah granted for goods imported into those possessions by sea, which may be exported into the interior of the country exempt from the payment of duty under Section X.

Fees, how to be levied by collector at Hooghly.

XIII. *First.* Rowannahs or custom house passes shall be granted under the following rules.

Rules for granting rowannahs or custom house passes.

*Second.* No rowannah shall be granted excepting upon a written derkhaust or application signed by the proprietors of the goods, or their authorized agents, or the persons in charge of the goods. The derkhaust shall specify the following particulars:

How to be applied for.

Particulars to be specified in the application.

The merchant's name.

The sort of goods.

The quantity of the goods.

The number and description of packages.

The value of the goods.

Whence brought or imported.

Whither proceeding.

*Third.* Should any attempt be made to pass at any custom house a larger quantity of goods than that which is specified in the derkhaust, or to pass goods superior in value to the goods specified in the derkhaust; in the former case, the whole of the goods shall be liable to confiscation, and in the latter case, the goods shall be subject to double duty and double commission.

Penalties for attempting to pass goods in larger quantities, or of superior value, to what is specified in the application.

*Fourth.*

collector at Calcutta, how to be disposed of.

ment customs at Calcutta shall be divided between him and his deputy in the following proportions:

To the collector nine-tenth parts.

To the deputy collector one-tenth part.

Fees authorized and how to be levied by the collector at Calcutta.

*Third.* Upon goods exported by sea exempt from the payment of the government customs at Calcutta under Clause First, Section VII, the collector of the government customs at Calcutta is authorized to levy a fee for his own benefit and that of his deputy, at the following rate:—if the goods be of the value of sicca rupees five hundred or under, eight annas; if above sicca rupees five hundred and not exceeding sicca rupees one thousand, one rupee; if above sicca rupees one thousand and not exceeding sicca rupees two thousand, one rupee and four annas; and on goods of higher value, the fee is to be increased four annas for every thousand rupees in the increase of the value of the goods. The fee is to be levied on the valuation of the goods stated in the rowannah granted at the custom house at which the duties on the goods were paid. The fee shall be divided between the collector and his deputy in the proportions prescribed for the division of the commission.

How to be divided.

Fees on rowannahs authorized, and how to be levied by collector at Calcutta.

*Fourth.* On any rowannah being granted by the collector of the government customs at Calcutta under Section X, to cover goods which have paid the government customs on importation by sea, the collector is authorized to levy a fee for his own benefit and that of his deputy, at the same rates as are specified in the preceding clause. The fee shall be divided between the collector and his deputy in the same proportions as are prescribed for the division of the commission.

How to be divided.

Fees, how to be levied by collector at Chittagong.

*Fifth.* The collector of the government customs at Chittagong shall levy for his own benefit a fee at the rates specified in Clause Third, Section XII, on goods which may be exported by sea exempt from the payment of duty at Chittagong under the rules contained in Section IX, and a fee at the same rate on each

rowannah

rowannah granted for goods which may be exported from Chittagong into the interior of the country free of duty under Section X.

*Sixth.* The collector of the government customs at Hooghly shall levy for his own benefit a fee at the rates specified in Clause Third, Section XII, on goods which may be exported by sea from the possessions of any foreign European nation in Bengal, exempt from the payment of duty at Hooghly, under Clause Third, Section VIII, and a fee at the same rate on each rowannah granted for goods imported into those possessions by sea, which may be exported into the interior of the country exempt from the payment of duty under Section X.

Fees, how to be levied by collector at Hooghly.

XIII. *First.* Rowannahs or custom house passes shall be granted under the following rules.

Rules for granting rowannahs or custom house passes.

*Second.* No rowannah shall be granted excepting upon a written derkhaust or application signed by the proprietors of the goods, or their authorized agents, or the persons in charge of the goods. The derkhaust shall specify the following particulars:

How to be applied for.

Particulars to be specified in the application.

The merchant's name.

The sort of goods.

The quantity of the goods.

The number and description of packages.

The value of the goods.

Whence brought or imported.

Whither proceeding.

*Third.* Should any attempt be made to pass at any custom house a larger quantity of goods than that which is specified in the derkhaust, or to pass goods superior in value to the goods specified in the derkhaust; in the former case, the whole of the goods shall be liable to confiscation, and in the latter case, the goods shall be subject to double duty and double commission.

Penalties for attempting to pass goods in larger quantities, or of superior value, to what is specified in the application.

*Fourth.*

Rowannahs applied for before twelve o'clock, to be delivered the following day, and not later.

*Fourth.* Rowannahs for which application may be made on any day before twelve o'clock, shall be prepared and delivered at a period not later than the following day.

By whom rowannahs are to be signed, sealed and delivered.

*Fifth.* Every rowannah shall be signed and sealed by the collector, the dorogah, the mulhirir or accountant, and the tavildar or cash-keeper, the latter of whom shall deliver the rowannah upon the duties being paid.

Penalties for native officers permitting their seals to go out of their own possession.

*Sixth.* The dorogah, the mulhirir and the tavildar, shall each have the custody of the seal of his office, should either of the said officers be convicted of allowing his seal to go out of his possession, he shall be subject for the first offence to a fine of twenty rupees, and for the second offence to dismission from his office.

Particulars to be stated in the rowannahs.

*Seventh.* The rowannahs shall be made out in the Persian and Bengal languages, and shall contain the following particulars:—

The number of the rowannah.
The date of the rowannah.
The merchant's name.
The sort of goods.
The quantity of the goods.
The number and description of packages.
The value of the goods.
The rate of the customs.
The amount of the customs.
The rate and amount of the collector's commission.
From whence the goods have been brought or imported, and whither proceeding.

Rowannahs to be taken out for goods for the Company's investment; such goods not liable to duty.

*Eighth.* Commercial residents or agents and others employed to provide goods for the Honorable Company's investment, shall take out rowannahs to accompany the goods which are to pass a custom house station. Such rowannahs shall be granted upon official

ficial application for them being made in writing to the collectors; but no customs, commission, or fees shall be levied on such goods.

*Ninth.* Registers of all rowannahs granted at each custom house shall be kept in the English, Persian and Bengal languages, according to such forms as the board of trade shall prescribe.

Registers of rowannahs to be kept at the several custom houses.

XIV. *First.* All rowannahs granted under this regulation, shall be considered to be in force for one year only, calculating from their date; after which period the goods covered by the said rowannah, in the event of their being brought or moved within the limits of the chokies of any of the custom houses established by this regulation, will be again subject to the established duties in the same manner as if the duties on such goods had never been before paid.

Rowannahs to be in force for one year only.

*Second.* A rowannah granted at any one custom house shall be current, under the rules contained in the preceding sections, throughout the provinces of Bengal, Behar and Orissa, and shall exempt the goods covered by it in their passage to any place within the said provinces from the payment of any further duty under this regulation, and from any detention for a period longer than may be requisite to enable the officers of any other custom house to ascertain whether the goods and the rowannah correspond. The detention of the goods for this purpose shall never exceed one day. The collector, having made the examination, shall, if the goods correspond with the rowannah, certify the same upon the back of the rowannah. If the collector shall find that the merchant has taken up more goods, or any other goods in addition to those specified in the rowannah, the whole of the goods shall be liable to confiscation. If the collector shall have reason to believe that goods superior in value to the value specified in the rowannah are attempted to be passed under such rowannah, he may cause a part of the goods to be opened and examined in the public cutcherry in his own presence, and if any such fraud shall be discovered,

Rowannahs granted at any one custom house, to be current throughout the provinces.

Goods shall not be detained for examination with rowannahs more than one day.

Penalties on discovery of deviations in quantity, or value, from the goods specified in the rowannahs.

discovered, the collector shall levy double duties and double commission on the real value of the goods composing the whole dispatch.

A register to be kept at each station of rowannahs passing the station, granted at other custom houses.

*Third.* The collector at each custom house shall keep a register of all rowannahs granted at other custom houses which accompany goods passing his station, in the same form as the register prescribed to be kept of rowannahs granted by himself.

A dispatch of goods may be divided into smaller quantities and rowannahs granted for those quantities, free of duty, on certain conditions.

XV. *First.* Should a merchant be desirous of dividing a dispatch of goods into smaller quantities after having taken out one rowannah for the whole, he shall be entitled at any of the custom houses to as many rowannahs as he may require, free of duty, on identifying the goods and surrendering the original rowannah. But a merchant after arriving at the place of his destination, shall not be entitled to a new rowannah free of customs, on the ground of his having transported only a part of a dispatch of goods under the original rowannah.

Merchants entitled to exchange rowannahs, on certain conditions.

*Second.* It is declared by Clause First, Section XIV. that a rowannah shall be considered to be in force for one year only; should a merchant however be desirous of removing his goods from the place to which they may have been carried under the original rowannah, after the expiration of one year, he shall be entitled to an exchange rowannah for another year at any of the established custom houses, the goods being identified to the satisfaction of the collector and the old rowannah being delivered up.

Registers to be kept of exchanged rowannahs.

*Third.* At each custom house there shall be kept a register of all exchanged rowannahs granted therefrom, specifying the date and number of the original rowannah and the custom house at which it was issued.

Collectors empowered to propose rules for promoting the

XVI. The collectors of the government customs are respectively empowered to propose to the board of trade, for the consideration

deration of the Governor General in Council, ſuch rules as may appear to them calculated to promote the better collection of the cuſtoms.

better collection of the cuſtoms.

XVII. The cuſtoms to be levied under this regulation ſhall be collected on a valuation of the articles chargeable with duty, ſuch valuation to be ſpecified in books which are to lie open for public inſpection at the ſeveral cuſtom houſes. The collectors are required to propoſe to the board of trade for the conſideration of the Governor General in Council, ſuch alteration in the rates as may occaſionally appear to them proper. If it ſhall appear expedient to a collector that any articles not charged with duty by this regulation, ſhould be ſubjected to duty, he ſhall report ſuch opinion to the board of trade.

Articles on which cuſtoms are to be collected, how to be valued.

XVIII. No collections whatever, either as cuſtoms, duties, commiſſions, or under any other denomination, ſhall be levied by any of the officers employed at the cuſtom houſes, excepting ſuch collections as are or may be authorized by this or any other regulation.

No collections to be made but ſuch as are authorized by this or any other regulation.

XIX. Any native officer proved to the ſatisfaction of the collector to have been guilty of a breach of the rule contained in Section XVIII, ſhall be diſmiſſed from his employment and ſhall be ſubject, in addition to the repayment of the amount exacted, to ſuch fine as the collector may think proper to impoſe, provided that the amount ſhall not exceed the amount of ſuch officer's ſalary for the period of ſix months. When a collector of cuſtoms ſhall impoſe a fine upon any ſuch officer, he ſhall certify the ſame through the vakeel of government to the zillah or city court to which the officer may be amenable, by a writing ſtating the amount of the fine and the ſum to be refunded, and the judge, upon the receipt of ſuch document, ſhall levy the fine to be paid and the amount to be refunded, by the ſame proceſs as is preſcribed for enforcing decrees of the court.

Penalties for a breach of the rule preſcribed in the foregoing ſection.

Fine how to be levied.

XX.

Collectors to report to the board of trade, without delay, all cases of goods liable eventually to confiscation.

XX. *First.* Whenever goods shall be detained on the ground of their being liable to confiscation, the collector shall without delay report the case for the determination of the board of trade.

Proceeds of goods confiscated and sold under this regulation, how to be disposed of.

*Second.* In the event of goods being confiscated under this regulation, they shall be sold by public auction and the net proceeds shall be divided as follows:

One-fifth to the collector.

Two-fifths in equal proportions to the informer and to the officers of government making the seizure.

Two-fifths to the Company.

The one-fifth allotted as above to the collector, shall in case of a confiscation upon a seizure made by the officers of the Calcutta government custom house, be divided in the proportion of two-thirds to the collector and one-third to his deputy.

Board of trade empowered to release goods, or to remit penalties in certain cases.

XXI. *First.* The board of trade are hereby empowered, in cases in which there may appear to them sufficient cause for so doing, to direct the release of any goods which may have become liable to confiscation, or to remit any other penalties which may have been incurred for the breach of any rule contained in this regulation.

Board of trade empowered to commute higher penalties for double duty and double commission.

*Second.* The board of trade are hereby further empowered to order double duty and double commission to be levied in lieu of any higher penalty which may be incurred under this regulation, in cases in which there may appear to them ground for a mitigation of such penalty.

Rowannahs to be written on stampt paper.

XXII. *First.* All rowannahs shall be written on stampt paper, under the rules contained in Clause First, Section XXIV, Regulation VI, 1797, and such other rules as now are, or may hereafter be in force respecting the stamp duties. Rowannahs granted for goods provided for the Company's investment, shall not be written on stampt paper.

Exception.

XXIII.

XXIII. The transportation of cannon and of all descriptions of fire arms, or military stores, to or for the use of the country powers, or of private persons, without a pass from government, being prohibited, the collectors and all officers of the customs, are required to seize all such cannon, arms, or stores, as shall be attempted to be transported in disobedience to this prohibition. The cannon, arms, or stores so seized, shall be liable to confiscation.

Officers of the customs required to seize all warlike stores attempted to be illegally transported.

Such stores liable to confiscation.

XXIV. The undermentioned articles are hereby declared to be exempt from the duties established by this regulation:

Articles exempt from duty.

Grain of all descriptions.

Salt.

Ghee.

Fruit and vegetables.

Firewood.

Charcoal.

Bamboos.

Matts.

Paddy and grass straw.

Gurran posts and gurran sticks.

Tiles (the sort denominated Khaprel.)

Pottery.

Horses.

Bullion.

Jewels.

Opium purchased at the Company's sales.

All articles of British growth, produce or manufacture, imported into Bengal by sea.

XXV. The collectors of the customs and their officers of every description, are to be considered amenable to the courts of judicature for all acts done by them, which may be repugnant to this or to any other regulation for the collection of the government customs, printed and published in the manner prescribed in

Collectors and officers of customs amenable to the courts of judicature.

Regulation

Persons deeming themselves aggrieved, how to seek redress.

Regulation XLI, 1793; and if any person shall deem himself aggrieved under this or any other regulation, for the collection of the government customs, by any act of a collector or of any of his officers, or by any act of a collector or any of his officers done in conformity to the orders of the Governor General in Council, or of the board of trade, such person will be at liberty to sue for redress under the rules contained in Regulation III, 1793, or Regulation XXXIX, 1795, or such other regulations as may be applicable to the case.

# A. D. 1801. REGULATION XII.

A REGULATION *for determining what magiſtrates, collectors of revenue, collectors of cuſtoms, commercial reſidents or agents, or officers of police, ſhall exerciſe the power of ſeizing ſalt under Clauſes Firſt, Second, Third, Fourth, Fifth, Sixth, and Seventh, Section* XI, *Regulation* VI, 1801.—PASSED *by the Governor General in Council, on the 6th Auguſt,* 1801; *correſponding with the* 23*d Sawun* 1208 *Bengal era; the* 12*th Sawun* 1208 *Fuſſly; the* 23*d Sawun* 1208 *Willaity; the* 12*th Sawun* 1858 *Sumbut; and the* 25*th Rubbee-ul-Awul* 1216 *Higeree.*

WHEREAS it hath been judged to be adviſable, with a view of preventing unneceſſary interruption to the trade in ſalt in the interior of the country after the ſalt ſhall have been tranſported without the line of the ſalt chokies, that the power of ſeizing ſalt under Clauſes Firſt, Second, Third, Fourth, Fifth, Sixth, and Seventh, Section XI, Regulation VI, 1801, ſhould be exerciſed only by ſuch magiſtrates, collectors of revenue and of cuſtoms,

customs, commercial residents and agents and officers of police as shall be vested with a special authority for that purpose by order of the Governor General in Council; the following rule has been enacted.

The power of seizing salt, under Clauses First to Seventh, Section XI, Regulation VI, 1801, without an application for that purpose from any of the officers attached to the salt department, to be exercised only by such magistrates, collectors of revenue and of customs, commercial residents and agents, and officers of police, as shall be authorized by the Governor General in Council to make such seizures.

II. It is hereby declared that the power of seizing salt under Clauses First, Second, Third, Fourth, Fifth, Sixth, and Seventh, Section XI, Regulation VI, 1801, without an application for that purpose from any of the officers attached to the salt department, shall be exercised only by such magistrates, collectors of revenue and of customs, commercial residents and agents and officers of police, as shall from time to time be vested, by order of the Governor General in Council, with a special authority for making such seizures; but this rule is not to be considered to prohibit any magistrate, collector of revenue or of customs, commercial resident or agent, from seizing or assisting in the seizure, under the aforesaid clauses, of salt supposed to be illegally manufactured, sold, imported, or transported, on application being preferred to him for making such seizure, by an officer of the salt department. The board of trade are to state to the Governor General in Council what magistrates, collectors of revenue or of customs, commercial residents or agents, or officers of police, the board may deem it advisable to have invested with the power of seizing salt, under the clauses aforesaid, without any application for making such seizure being preferred by the officers of the salt department.

# TITLES

OF THE

# REGULATIONS

PASSED IN THE YEAR

# 1802.

## REGULATION

I.

A REGULATION *for declaring the articles of piece goods, of whatever description, cotton, cotton yarn, ghee, and charcoal, to be subject to government customs established by Regulation XI. 1801.—Passed on the 28th January, 1802.*

II.

A REGULATION *for levying a duty on spirits manufactured at distilleries constructed and worked according to the European manner.—Passed on the 22d April, 1802.*

III.

A REGULATION *for defining the security to be required from defendants in civil causes, and for amending part of the existing rules concerning the trial of civil suits preferred by paupers.—Passed on the 22d April, 1802.*

IV.

IV.

A REGULATION *to constitute an occasional second court of appeal for the division of Dacca.—Passed on the 22d April, 1802.*

V.

A REGULATION *for making certain alterations in the rates of the government customs, and of the town duties in the provinces of Bengal, Behar, Orissa, and Benares; and for the better collection of the said customs and duties.—Passed on the 8th July, 1802.*

VI.

A REGULATION *for preventing the sacrifice of children at Saugor and other places.—Passed on the 20th August, 1802.*

VII.

A REGULATION *for the exemption of certain articles imported into Bengal by sea, from the payment of any duties or customs on their transportation to places in the interior of the country.—Passed on the 18th November, 1802.*

# A. D. 1802. REGULATION I.

A REGULATION *for declaring the articles of piece goods, of whatever description, cotton, cotton yarn, ghee, and charcoal, to be subject to the government customs, established by Regulation* XI, 1801.—PASSED *by the Vice President in Council, on the 28th of January,* 1802; *corresponding with the 17th Maug* 1208 *Bengal era; the 10th Maug* 1209 *Fussily; the 17th Maug* 1208 *Willaity; the 10th Maug* 1858 *Sumbut; and the 23d Ramzaan* 1216 *Higeree.*

WHEREAS doubts have been entertained whether, under Clause Sixth, Section VI, Regulation XI, 1801, the articles of piece goods, cotton, and cotton yarn, are to be subject to the duty therein specified; and also whether, under Section XXIV, Regulation XI, 1801, the articles of ghee and charcoal are to be subject to the duty specified in Clause Sixth, Section VI, of the said regulation; the following regulation has been enacted, to be in force as soon as promulgated throughout the provinces of Bengal, Behar, and Banares, and the part of the province of Orissa subject to the dominion of the Company.

II.

Piece goods of whatever description, cotton, cotton yarn (under certain restrictions), ghee, and charcoal, declared subject to government duties established by Regulation XI, 1801.

II. The articles of piece goods of whatever description, cotton, cotton yarn, (under the restrictions stated in Clauses Second, Third, Fourth, and Fifth, Section VI.) ghee, and charcoal, are hereby declared to be subject to the government duty of three and one-half per cent established by Regulation XI, 1801.

# A. D. 1802. REGULATION II.

A REGULATION *for levying a duty on ſpirits manufactured at diſtilleries conſtructed and worked according to the European manner.*—PASSED *by the Governor General in Council, on the 22d April 1802; corresponding with the 11th Byſaak 1209 Bengal era; the 4th Byſaak 1209 Fuſſly; the 11th Byſaak 1209 Willaity; the 4th Byſaak 1859 Sumbut; and the 18th Zeelhij 1216 Higeree.*

WITH a view to the improvement of the public reſources by means of a duty payable on ſpirits manufactured at diſtilleries conſtructed and worked according to the European manner, the following rules are paſſed by the Governor General in Council, to be immediately, from the paſſing thereof, in force in the provinces of Bengal, Behar, and Benares, and that part of Oriſſa which is included in the Company's territories.

II. No perſon ſhall, after one month ſubſequent to the paſſing of this regulation, conſtruct or work a diſtillery or diſtilleries after

No perſon permitted to conſtruct or work a diſtillery according to the method in which

distilleries are constructed and worked in Europe without a license from the Calcutta magistrates.

after the manner in which distilleries are constructed and worked in England without a license under the signature of three of the justices of the peace for the time being, acting in and for the twenty-four pergunnahs and the districts adjacent to Calcutta; whether the place, at which it may be intended to establish such distillery be situated within the limits of the said twenty-four pergunnahs and the said districts adjacent to Calcutta or otherwise, upon pain of forfeiting all the spirits manufactured at such distillery or distilleries, together with all the stills, vessels and other moveables, appertaining to such distillery or distilleries, and also the sum of two sicca rupees for each and every gallon, each and every still in such distillery or distilleries is calculated to contain for each and every day on which he shall work each and every such still and stills in the said distillery or distilleries without such license. Any person wishing to construct or work a distillery of the above description, is accordingly to make the necessary application for a license for that purpose to one of the said justices of the peace for the time being, acting in and for the twenty-four pergunnahs and the districts adjacent to Calcutta.

Penalty for breach of this rule.

The magistrates and collectors throughout the provinces, to report to the Calcutta magistrates all distilleries constructed or worked in the European manner.

III. It shall be the duty of the magistrates and collectors of the several districts, in the provinces of Bengal, Behar, Benares and Orissa, to inform the justices of the peace acting in and for the twenty-four pergunnahs and districts adjacent to Calcutta, of any distilleries of the aforesaid description, which either are or may be established within the limits of their respective zillahs.

Proprietors of distilleries receiving such license to make entry of every warehouse, &c. within ten days, under penalty of 1000 rupees.

IV. On receipt of a license for establishing a distillery, the proprietor shall, within ten days, make a regular entry of every warehouse, godown, and other place used for carrying on the business of the distillery, or for depositing the said spirits in when manufactured, in a book to be kept for that purpose by the aforesaid justices of the peace, acting in and for the twenty-four pergunnahs and the districts adjacent to Calcutta; or by the officers appointed by the said justices of the peace, in the manner herein-

after

after mentioned, attending upon and at ſuch diſtillery, upon pain of forfeiting ſicca-rupees one thouſand for not doing ſo.

V. Every diſtiller, five days before he begins to bring in materials for manufacturing ſpirits, ſhall make entry of all ſtills, coppers, tuns, butts, coolers, caſks and veſſels, which he ſhall uſe in each and every diſtillery with, and in a book to be kept by the gauger appointed in the manner hereinafter mentioned by the ſaid juſtices of the peace for the time being, acting in and for the twenty-four pergunnahs and the diſtricts adjacent to Calcutta, to attend at and upon ſuch diſtillery and diſtilleries; and the ſame ſhall be duly marked by the ſurveyor, or in his abſence, by his deputy, or the gauger to be appointed as hereinafter mentioned; and all and every perſon and perſons offending againſt this proviſion, ſhall for each offence forfeit ſicca rupees five hundred, together with all ſtills, coppers, tuns, butts, coolers, caſks, and other veſſels, which he ſhall uſe without being ſo entered and marked and the liquors contained therein.

Diſtillers ſhall make entry five days before bringing in materials for manufacturing ſpirits, of all ſtills, &c. under penalties.

VI. The juſtices of the peace for the time being, acting in and for the twenty-four pergunnahs and the diſtricts adjacent to Calcutta, and the ſurveyor and the ſubordinate officers, by the ſaid juſtices appointed as hereinafter mentioned, ſhall be at all times by day or by night, permitted to have free ingreſs into all and every diſtillery and diſtilleries, and into the godowns and other places appertaining thereto; and to make ſuch experiments as may be neceſſary for eſtimating the amount of the duties; and to inſpect and meaſure all ſtills and veſſels uſed in manufacturing the ſpirits; and likewiſe to take gauges, and to prove all ſpirits ſo manufactured; and all and every perſon and perſons who ſhall hinder or obſtruct him, them, or any of them therein, ſhall each and every of them forfeit the ſum of ſicca rupees one thouſand for every ſuch offence.

The Calcutta magiſtrates and the officers appointed by them to have free acceſs to ſuch diſtilleries, &c.

Penalties for obſtructing the magiſtrates or their officers in the execution of that duty.

VII. Every waſh ſtill ſhall contain at leaſt two hundred gallons, and every ſtill for diſtilling low wines ſhall contain at leaſt one hundred

Penalties for uſing ſtills of leſs than certain dimenſions.

hundred gallons; and all and every person or persons who shall act contrary to this provision, and use or work any still of less dimensions than herein mentioned, shall forfeit sicca rupees one thousand for every such offence.

Surveyor and deputy surveyor to take the following

VIII. The surveyor and deputy surveyor shall previously to entering on the duties of his office, respectively take the following oath, before one of the aforesaid justices of the peace:

Oath.

"I A. B. appointed surveyor (or deputy surveyor) of the European distilleries, do hereby swear that I will without fear or affection, render true and faithful accounts of all surveys, gauges and calculations of duties made by me for levying the duties on the produce of the said distilleries, and that I will not be concerned on my own account, either directly or indirectly, in the manufacture or sale of spirits made at any distillery of that description, and that I will not take any fee or reward, from any person, except such salary or commission as may be allowed me.

"So help me God."

Rate of duty to be levied on all spirits so manufactured or already in store, of which latter the proprietors are to render true accounts.

IX. The rate of duty on spirits, which shall and may be manufactured at the distilleries worked according to the European process, after one month subsequent to the passing of this regulation, shall be levied on the produce of each still, at the rate of six annas per gallon London proof, to be augmented or reduced in proportion to the strength of the liquor. In like manner, a duty of six annas per gallon shall be levied on all spirits already manufactured, or to be manufactured before the expiration of one month subsequent to the passing of this regulation, and in store, wherefoever the same may be deposited; which duty on spirits already manufactured is to be and shall be paid and discharged by instalments, at such periods, as any three or more of the said justices of the peace acting in and for the twenty-four pergunnahs and the districts adjacent to Calcutta, on a consideration of the circumstances of the case, may direct. The proprietor or proprietors are accordingly

ingly required to render a true and faithful account of such spirits already manufactured and in store, wheresoever the same may be deposited, to the said justices of the peace, or to such person or persons as shall be appointed for that purpose by three or more of the said justices of the peace, acting in and for the twenty-four pergunnahs for the time being, under their respective hands and seals, upon pain of forfeiting two sicca rupees for each and every gallon of the said spirits which he or they shall not render such account of.

How such duty is to be levied.

X. The duty and duties payable under Section IX, of this regulation, on spirits to be manufactured after one month subsequent to the passing of this regulation, shall be discharged monthly, or oftener, should the justices of the peace, acting in and for the twenty-four pergunnahs and the districts adjacent to Calcutta, or any three or more of them, think proper so to to direct, and paid to them, or to such person or persons as shall be appointed for that purpose, under their respective hands and seals; and all stills, coppers, and other utensils used in each and every distillery, shall be considered to be mortgaged as security for and liable to all the duties payable by the distiller or distillers, and in arrear and owing from time to time from or by such distiller or distillers, and also to all penalties, fines, and forfeitures, imposed by this regulation, and be liable to be sold for the recovery of such arrears of tax or duties which may be due from the said distiller or distillers, and for the recovery of such fines, penalties and forfeitures.

How the duty is to be adjusted, and what notice distillers are to give previously to bringing in materials, and how long such notice is to be considered in force.

XI. In order to adjust the duty payable on the spirits which may be manufactured after one month subsequent to the passing of this regulation, every distiller, five days before he begins to bring in materials for making wash, shall upon pain of forfeiting the sum of sicca rupees one thousand, give notice to the justices of the peace, acting in and for the twenty-four pergunnahs and the districts adjacent to Calcutta, or to one or more of them, or to such person or persons, as any three or more of the said justices may for that purpose appoint, under their respective hands and seals, of the day on which he intends

tends to commence distilling, and such notice shall be considered to be in force for a period not less than two months. Every wash still, after the working shall have commenced, shall be presumed to be kept regularly in work for two months from the day appointed by the said notice for commencing distilling; and no person or persons who shall have begun to work any wash still, shall withdraw the entry thereof until the expiration of the said two months, unless he or they shall make it appear that some accident has happened sufficient to justify his or their so doing in the opinion of the said justices of the peace, acting in and for the twenty-four pergunnahs and districts adjacent to Calcutta.

What notice distillers are to give to the justices, &c. previously to discontinuing the working of their stills.

XII. Every distiller, when he may be inclined after the expiration of the above period, to discontinue working his stills, shall, upon pain of forfeiting sicca rupees one thousand for not doing so, give notice to the justices of the peace, acting in and for the twenty-four pergunnahs, or to one or more of them, or to such person as they may direct four days previous to the distilling being discontinued. At the expiration of that period, the still shall be sealed up by the surveyor or deputy surveyor, or by any of the officers or persons by the said justices appointed as hereinafter mentioned, and the seal shall on no account be destroyed or broken or removed, except in presence of the surveyor or his deputy, or of such person as shall be by any one or more of the said justices for that purpose authorized, on due notice given by the proprietor or proprietors, of the time when he or they intend again to work the still or stills in the manner directed in the preceding section, upon pain of forfeiting the sum of sicca rupees one thousand.

Stills to be sealed up, and seal not to be removed without due notice under penalty.

What accounts officers appointed by the justices of the peace are to keep, and penalty for obstructing them in taking such accounts.

XIII. An officer appointed as hereinafter mentioned by the justices of the peace acting in and for the twenty-four pergunnahs, or by three or more of them, shall take and keep a regular account of all spirits conveyed from each and every distillery to the godowns, warehouses, and other places where such spirits are usually kept, exhibiting the quantity and strength of such spirits, and he shall

transmit

transmit a regular account thereof weekly to the said justices; and all and every person and persons who shall hinder or obstruct the said officer in taking or in attempting to take the said account, shall forfeit the sum of one thousand sicca rupees for every such offence.

No spirits to be removed from such distilleries or godowns except to the usual places of deposit without a pass, under penalty of forfeiture.

XIV. No spirits shall be conveyed from the godown, warehouse, or other place appropriated for keeping the produce of the distillery or distilleries, or from the said distillery or distilleries, unless to such godown, warehouse, or place appropriated for keeping the produce of such distillery or distilleries, and entered as aforesaid without a pass from and under the hand and seal of one or more of the said justices, on pain of the spirits so taken away being forfeited, together with the casks, boats, horses, and other cattle employed in the transportation of it; which rule is to be considered applicable, and shall be applicable to the spirits which may have been already manufactured and may be in store on the passing of this regulation; and the said spirits so forfeited may be seized by any officer appointed as hereinafter mentioned.

Penalties for opposition to, or infringing these rules.

XV. Any person opposing the surveyor or other officer in the execution of the duty committed to such officer under this regulation, or otherwise infringing any of the rules contained in this regulation shall, in addition to all other forfeitures, on proof thereof made to the satisfaction of two or more of the said justices of the peace acting in and for the twenty-four pergunnahs, forfeit his license for working any distillery or distilleries.

Persons exporting spirits, so made, entitled to a drawback of half the duty, and how such drawback is to be adjusted in account.

XVI. Persons exporting spirits made at any of the licensed distilleries for foreign trade, shall be entitled to a drawback of a moiety of the duty paid by them at the place of manufacture, that is to say, three annas per gallon, on producing a certificate from the commander of the vessel, that the spirits have been actually shipped for that purpose. The custom master is accordingly to keep a separate account of all sums paid under this rule, and to debit

debit the ſaid juſtices for the amount, tranſmitting to the ſaid juſtices a quarterly account of the diſburſements ſo made.

How the rate of drawback on ſpirits to exported is to be adjuſted.

XVII. An officer appointed as hereinafter mentioned, ſhall attend at the cuſtom houſe on the part of the ſaid juſtices to gauge and prove the ſpirits which may be entered at the cuſtom houſe for exportation, and if the ſtrength of ſuch ſpirits ſhall be above or under London proof, the rate of drawback ſhall be augmented or reduced in proportion to the quality of the liquor. Such drawback is to be paid in conformity to a certificate to be furniſhed by the officer employed in the execution of the above duty, counterſigned by one of the ſaid juſtices of the peace.

Not leſs than one thouſand gallons to be deemed intended for exportation.

XVIII. No ſpirits ſhall be deemed to be intended for exportation, unleſs the quantity ſhall be one thouſand gallons or upwards.

When and where ſpirits for exportation are to be ſhipped.

XIX. Spirits intended for exportation ſhall not be ſhipped, nor ſhall any drawback be paid on account of ſuch ſpirits, until the veſſel ſhall have taken on board her pilot, nor ſhall any ſpirits be ſhipped from any other place except the cuſtom houſe; nothing contained in this regulation ſhall be conſtrued to preclude the cuſtom maſter from levying the commiſſion on the exportation of ſpirits to which he and his aſſiſtant are or may be entitled by any regulation for the collection of government cuſtoms.

Cuſtom maſter to levy the uſual commiſſion.

Penalties for relanding ſpirits ſhipped for exportation without licenſe.

XX. Any ſpirits which ſhall be ſhipped for exportation, and ſhall afterwards be relanded without a ſpecial licenſe, under the hand and ſeal of one or more of the ſaid juſtices of the peace; ſhall be forfeited, together with the caſks and veſſels in which ſuch ſpirits ſhall be contained, and the carts, boats, horſes, bullocks, and other cattle employed in tranſporting the ſame.

How the produce of forfeitures is to be divided and appropriated.

XXI. Whenever any ſpirits or other articles or things ſhall be forfeited under any of the rules or proviſions of this regulation, the produce thereof, when ſold as hereinafter mentioned, ſhall after

ter deducting the expenses attending the same, and the drawback (in cases where a drawback has been paid, which drawback shall be repaid to the custom master on account of government) be divided as follows:

| | |
|---|---|
| To the informer, | two-fifths. |
| To the officer making the seizure, | one-fifth. |
| To the surveyor, | one-fifth. |
| To his deputy, | one-fifth. |

No person to establish a shop beyond the limits of Calcutta, for the sale of such spirits without a license, under penalties.

XXII. No person shall be permitted to establish a shop beyond the limits of Calcutta for the sale of spirits made according to the European process, without a license under the signature of one or more of the justices of the peace, acting in and for the twenty-four pergunnahs and the districts adjacent to Calcutta, which license shall be resumable at the pleasure of any one or more of the said justices of the peace. Any person being an European, who may establish a shop beyond the limits of Calcutta for the sale of spirits made according to the European process, without a license from the magistrates, shall forfeit the sum of sicca rupees five hundred.

What duty persons receiving retail licenses for such spirits, are to pay.

XXIII. Any person receiving a retail license for the sale of spirits manufactured, at the European distilleries at any place out of the town of Calcutta, shall pay a duty to government at the rate of four annas and three pies per gallon.

Form of license.

XXIV. The following is the form prescribed for licenses which may be granted under the foregoing rule, and the persons receiving them, are to execute counterparts of them:

Whereas A. B. has been authorized by the justices of the peace, acting in and for the twenty-four pergunnahs and the districts adjacent to Calcutta, to establish a shop at the district of for the sale of spirituous liquors made after the European process, for the period of one year, unless the authority here-

by

by granted shall be withdrawn within that period by order of any one or more of the said justices of the peace of the said twenty-four pergunnahs and the districts adjacent to Calcutta. It is hereby required of the said A. B. that he faithfully conform to the following conditions.

1st. That he will not sell or permit to be sold any spirits excepting such as may have been made at the European distilleries.

2dly. That he confine the sale of spirits to the shop for which his license is granted.

3dly. That he prevent to the utmost of his power all drunkenness, gaming, and disorder within his shop.

4thly. That he do not harbour thieves or riotous persons; but on the contrary, give information to the magistrates, justices of the peace, or the nearest police officer, of any suspected persons who may resort to his shop.

5thly. That he do not receive any goods or wearing apparel, or other property in barter for spirits.

Such licenses not to authorize the sale of spirits manufactured at the country stills.

XXV. Licenses which may be issued under this regulation, for the sale of spirits made at the European distilleries, are not to be considered to entitle the persons holding such licenses to sell spirits manufactured at the country stills, the sale of the produce of those stills being subject to all the rules contained in Regulation VI, 1800, and the other regulations therein referred to.

The retail of spirits within Calcutta, to be subject to such rules as the justices of the peace may prescribe.

XXVI. The retail sale of spirits within the town of Calcutta is to be subject to such rules as His Majesty's justices of the peace may prescribe, under the powers vested in them by the thirty-third of George III, Chapter 52, Section 159.

The Calcutta magistrates (with the exception of the superintendent general of police) to draw a commission of ten per cent on the gross duties.

XXVII. The justices of the peace acting in and for the twenty-four pergunnahs and the districts adjacent to Calcutta, with the exception of the superintendent general of police, shall be entitled to a commission of ten per cent on the gross amount of the duties,

which

which may be levied on the produce of the European distilleries under the present regulation, after making the necessary deduction, agreeably to the accounts of the custom master, on account of the drawback, which may be paid on that portion of the spirits which may be exported.

deducting drawback on spirits exported.

XXVIII. The justices of the peace for the time being, acting in and for the twenty-four pergunnahs and the districts adjacent to Calcutta, or any three or more of them, are hereby authorized to constitute and appoint a surveyor, and a deputy surveyor, and proper gaugers and other officers under their hands and seals, for the purpose of carrying the several rules and provisions made in and by this regulation into full force and effect.

The Calcutta magistrates authorized to appoint a surveyor and other officers.

XXIX. If any officer appointed as hereinbefore mentioned, have cause to suspect that any spirits manufactured at any distillery or distilleries constructed and worked according to the European manner, or any still or stills, copper or coppers, tun or tuns, butt or butts, cooler or coolers, cask or casks, or other vessel or vessels, implement or implements, used or to be used in such distillery or distilleries, as aforesaid, worked or to be worked according to the European manner is or are fraudulently concealed in any place or places, that then upon oath made by such officer before one or more of the said justices of the peace for the time being, acting in and for the twenty-four pergunnahs, or acting in and for the zillah wherein such stills, coppers, tuns, butts, coolers, casks or vessels, or any of them are so suspected to be concealed, setting forth the grounds of his suspicion, it shall be lawful for such justice or justices, if he or they judge it reasonable, by special warrant under his or their hand and seal, to authorize such officer by day or by night, to enter into such place or places, and to seize and carry away all and every such spirits, stills, coppers, tuns, butts, coolers, casks, vessels, or other implements so fraudulently concealed, and if any person or persons hinder or obstruct the said officer

Mode of proceeding in cases of suspicion that stills, &c. are fraudulently concealed, and penalty for opposing the authorized search for the same.

therein,

therein, he and they shall each and every of them, for every such offence, forfeit the sum of one thousand sicca rupees.

How officers invested with the authority of the justices of the peace, or zillah magistrates, are to proceed in the condemnation and sale of spirits, stills, &c. seized as forfeited.

XXX. Whenever any spirits, stills, vessels or other of the materials or things herein beforementioned shall be seized as forfeited, by any person authorized as aforesaid, all such seizures shall, in a summary way, be heard and determined by one or more of the justices of the peace, or magistrates for the time being, acting in and for the zillah in which the same shall be seized as forfeited, which justices of the peace or magistrates respectively, shall cause the persons in whose custody such spirits, stills, vessels, or other materials or things were found, to be summoned to appear before them, and upon their appearance or default, to examine into the cause of the seizure thereof, and give judgment, and upon condemnation thereof, to issue out their warrants for sale thereof, and such judgments shall be final.

In case of no person appearing within twenty days to claim spirits, &c. so seized, public notice to be given when the matter of the seizure will be heard before the justices of the peace or zillah magistrates who in default of the appearance of claimants shall proceed to condemnation notwithstanding.

XXXI. Whenever any such spirits, stills, vessels, or other materials or things hereinbefore mentioned, shall be seized as forfeited, and no person within twenty days after shall appear to the person or persons who made such seizure to claim the same, then the said person or persons who seized the same may and shall after the expiration of the said twenty days, cause notice to be given in the Calcutta Gazette, or at the cutcherry of the magistrate of the zillah, in which the same shall be seized as forfeited, signifying the place where, and the day and time of the day that the said justices of the peace or magistrates respectively in the last section mentioned will proceed to hear the matter of such seizure, and to the condemnation thereof. In which case the said justices of the peace or magistrates respectively are to proceed to examine into the cause of such seizure, and to give judgment for the condemnation of such of the said spirits, stills, vessels, or other materials or things as upon such examination shall appear to them to be forfeited, and upon condemnation thereof to issue their respective warrant or warrants under their hands and seals for the sale thereof,

and

and the said judgment shall be final, and as if the owners or persons to whom the same belonged, or in whose custody the same was or were, had been summoned to attend the said justices or magistrates respectively.

XXXII. Every person who shall neglect to pay the duties in and by this regulation set and imposed at the respective time and times appointed and to be appointed as hereinbefore mentioned, shall forfeit for each and every ficca rupee of the said duty or duties the sum of one ficca rupee and one anna. The said forfeitures to be levied upon their goods and chattels, or otherwise recovered as hereafter in this regulation directed.

Forfeiture for neglect of paying the duty at the prescribed times, and how such forfeitures are to be levied.

XXXIII. All pecuniary fines, penalties, and forfeitures created or imposed by this regulation, shall be heard, adjudged, and determined by one or more of the justices of the peace, or magistrates for the time being, acting in and for the zillah in which such fines, penalties, or forfeitures shall be respectively made, incurred, or committed, whose judgment therein shall be final; and the said justices of the peace and magistrates respectively are hereby authorized and required, upon any complaint or information exhibited and brought before them of any such forfeiture, fines, or penalties made, incurred or committed contrary to this regulation, to summon the party or parties accused, and upon his or their appearance or contempt, to proceed to the examination of the matter of fact, and upon due proof made thereof, either by the voluntary confession of the party or parties, or by the oath of one or more credible witnesses (which oath they or any one or more of them have hereby power to administer), to give judgment or sentence accordingly, as in and by this regulation is directed, and to award and issue out warrants under their respective hands and seals for the levying of such forfeitures, penalties, or fines by this regulation imposed, together with the costs and charges upon the goods and chattels of the offender and offenders, and to cause sale to be made thereof, if they shall not be redeemed within fourteen days, rendering to the

How all pecuniary fines, penalties, &c. are to be heard, adjusted, determined, and levied.

the party or parties whose goods and chattels they were the overplus, if any there be, after deducting thereout the said penalties, fines, or forfeitures, and the costs and charges; fifteen per cent of the penalties, and fines or forfeitures so recovered, to be applied to him or them who shall discover, inform, or sue for the same, as in this section and rule above mentioned, and the remainder thereof to the United Company of Merchants of England trading to the East Indies.

BENGAL SECRETARIAT LIBRARY

# A. D. 1802. REGULATION III.

A REGULATION *for defining the security to be required from defendants in civil causes; and for amending part of the existing rules concerning the trial of civil suits preferred by paupers.*—PASSED *by the Governor General in Council, on the 22d April 1802; corresponding with the 11th Bysaak 1209 Bengal era; the 4th Bysaak 1209 Fussily; the 11th Bysaak 1209 Willaity; the 4th Bysaak 1859 Sumbut; and the 18th Zeelhij 1216 Higeree.*

THAT persons unable to attend the courts of justice in person, or to give the security required by Regulation VII, 1793, for the payment of the fees of a pleader, or to pay the institution fee upon original suits and appeals, established by Regulation VI, 1797, might not be precluded by such inability from suing for the recovery of their rights in the civil courts of judicature; or from obtaining the assistance of the pleaders attached to these courts in the prosecution of their claims; provisions have been made by Regulation XLVI, 1793, (extended to

Benares

Benares by Regulation XXIII, 1795,) and by Section IX, Regulation VI, 1797; whereby all persons making oath of their inability to pay the prescribed institution fee, and to give the security required for the fees of a pleader (if they are desirous of entertaining a pleader,) and producing two credible witnesses to verify the same, with sureties for their personal appearance, are admitted to sue as paupers, in the zillah and city courts; and also to prosecute appeals from the decisions of these courts in the provincial courts of appeal and sudder dewanny adawlut; without any expense whatever; unless they shall afterwards be found to possess property sufficient to make good the amount of the prescribed fees; at the same time the parties sued by such paupers, in addition to the charge usually incurred in procuring the security required from defendants by Section V, Regulation IV, 1793, and Section III, Regulation XI, 1797, are liable to a considerable charge for the fees of pleaders necessarily employed by them to defend the original suit or appeals, for which they can seldom obtain any indemnification from the pauper plaintiff and appellant; although the claim of the latter should be dismissed in every court. Under these circumstances, the provisions made for facilitating the attainment of justice to paupers have been perverted by them to the means of injustice and persecution by groundless and exaggerated claims, which are prosecuted as far as the regulations will allow, with a view to harrass the defendant or to compel his admission of what may not be justly due from him; and the rule contained in Regulation XLVI, 1793, for preventing such groundless and vexatious suits by subjecting the party preferring them to confinement for a period not exceeding three months, not having been found sufficient for this purpose, the Honorable the Vice President in Council, to provide more effectually against so flagrant an abuse; as well as to relieve the parties who may be affected thereby; has enacted the following additional rules, to be in force as soon as promulgated throughout the provinces of Bengal, Behar, Benares, and that part of Orissa which is subject to the dominion of the Company.

II.

II. In all cases of suits preferred in the zillah or city courts, whether by paupers or by others, the judge before whom the suit may be instituted, is authorized to fix the extent of the security to be required for the appearance of the defendant in conformity to Section V., Regulation IV., 1793, (extended to Benares by Regulation VIII, 1795.) and for which a form of bond is prescribed in Section III, Regulation XI, 1797, viz. the judge shall exercise his discretion with respect to the responsibility of the surety or sureties to be found by the defendant for his personal attendance when required, as specified in the above regulations; and in the first instance, whatever may be the claim of the plaintiff, shall demand from the defendant such security only as may appear necessary to secure his appearance during the trial of the suit. Provided, that if at any time in the course of the trial the security so taken from the defendant shall appear to the judge insufficient, he is authorized and required to take such further security as he may think necessary to secure the appearance of the defendant; and if judgment be given against the defendant, in the zillah or city court, the judge shall immediately proceed to execute such judgment in conformity to the regulations; or, if the case be appealable, and an appeal be lodged in the mode prescribed by the regulations, shall immediately take the security therein directed for staying the execution of decrees in cases of appeal. In like manner during the trial of an appeal from the decree of a zillah or city court in favor of the original defendant, if the provincial court before whom such appeal may be depending, shall see ground to believe that the personal security taken from the respondent is insufficient, it is authorized and required to take from him such further security as it may judge necessary; and in the event of its passing judgment against the respondent, shall immediately proceed as above directed with respect to judgments against defendants in the zillah or city courts. In all cases of appeal to the sudder dewanny adawlut, that court is also authorized to take any additional security it may judge necessary, as already provided with respect to security for staying the execution of decrees, by Section III, Regulation V, 1798.

The zillah and city judges authorized to exercise their discretion with respect to security for the appearance of defendants in the first instance, and

May require further security, if in the course of the trial the security so taken shall appear insufficient.

In cases of appeal the provincial court are likewise authorized to require additional security when they may deem it necessary.

The sudder dewanny adawlut vested with like power in similar cases.

III.

In cases of suits preferred by paupers, and decided against them, the courts are authorized to limit the defendant's costs to such as may appear an adequate compensation for the labor of his pleader, leaving the rest of the established fees to be levied from the eventual property of the plaintiff.

III. In cases of suits preferred by paupers in the zillah or city courts, wherein the claim of the plaintiff may be dismissed with costs, and he may not be found to possess property sufficient to make good the fees of the defendant's pleader, the payment of which must consequently fall upon the defendant, although the decision is in his favor, if the amount of the established fee shall appear to the judge to exceed a just compensation to the pleader, or pleaders employed by the defendant; on a review of his or their labor, considered with all the circumstances of the case, the judge is authorized and required to levy from the defendant such part only of the established fee as may appear an adequate compensation to his pleader or pleaders; leaving the remainder to be recovered from any property that may be subsequently found to belong to the plaintiff, under the provision contained in Section III, Regulation XLVI, 1793. The provincial courts of appeal and court of sudder dewanny adawlut are to proceed in like manner, in similar cases, wherein the appellant in those courts respectively may have been admitted as a pauper, and his appeal may be dismissed with costs. The principle of this section is also to be applied in the whole of the civil courts of judicature to any case wherein the suit of the plaintiff or appellant, though not admitted as a pauper, may be dismissed with costs; and from his want of property to make good the same, as well as from the eventual irresponsibility of his sureties for the costs of suit, or from whatever cause, it may become necessary to levy from the defendant or respondent the fees of his own pleader or pleaders, although the judgment may have been passed in his favor.

The same principle extended to the courts of appeal and sudder dewanny adawlut.

And applied to cases in all the courts, where the plaintiff, or appellant, or his sureties are unable to make good the costs awarded against them.

Similar powers vested in the registers.

IV. The powers vested by the two preceding sections in the zillah and city judges, are declared to be equally vested in their registers with respect to the security to be taken from defendants in causes cognizable by them under the regulations; as well as with respect to the fees of pleaders that may eventually become payable by the parties in whose favor judgment may be given by them in such causes.

V.

In what cases the institution fee paid on appeal shall be returned.

V. If on the suit of a pauper plaintiff tried by a native commissioner, or by a zillah or city register, or by the judge of a zillah or city court, a judgment be passed in favor of the plaintiff; and the defendant appealing from such judgment, shall obtain a reversal of it, with costs; so that the final judgment may be in favor of the defendant; and the original claim be declared groundless; the institution fee paid by such defendant upon his appeal, shall be returned to him by the court into which the same may have been paid; and the amount shall be recovered from the pauper against whom the final judgment may be passed, in the event of his being found to possess property sufficient to make good the same, as provided in Section III, Regulation XLVI, 1793. In all other cases the court of sudder dewanny adawlut is authorized to direct a return of the institution fee, or otherwise, as on due consideration of the circumstances of the case, whether brought before them in appeal, or referred to them by a provincial, zillah, or city court, may appear to them just and proper.

Rules for commitment of litigious pauper suitors or appellants extended.

VI. If the suit of a plaintiff admitted as a pauper in any zillah or city court shall be dismissed in such court, and declared groundless and vexatious, the judge or register by whom the decree may be passed, shall immediately carry into execution the rule of commitment prescribed in such cases by Section III, Regulation XLVI, 1793; whether the plaintiff shall appeal from the judgment, or otherwise; and, in the event of an appeal, if the court by whom the appeal may be heard, shall find the same groundless and vexatious, and shall consequently confirm the original judgment, they are authorized, in extension of the rule contained in Section III, Regulation XLVI, 1793, to commit such litigious appellant (or his sureties if they shall not produce him so that he may be proceeded against as herein directed) to be confined for such period of time as they may judge proper on due consideration of the circumstances of the case, not exceeding six months inclusive of the period of confinement which may have been ordered on the original trial.

The

The ſame rule is to be applied in caſes of appeal, in formâ pauperis, to the court of ſudder dewanny adawlut, who are authorized to extend the confinement of the litigious appellant, ſo that the ſame ſhall not exceed one year, incluſive of the confinement which may have been ordered by the zillah or city court, and by the provincial court of appeal.

# A. D. 1802. REGULATION IV.

A REGULATION *to constitute an occasional second court of appeal for the division of Dacca.*—PASSED *by the Governor General in Council, on the 22d April, 1802; corresponding with the 11th Bysaak 1209 Bengal era: the 4th Bysaak 1209 Fussily; the 11th Bysaak 1209 Willaity; the 4th Bysaak 1859 Sumbut; and the 18th Zeelhij 1216 Higeree.*

IN consequence of the extensive jurisdiction of the court of circuit for the division of Dacca, and the interruption experienced in holding the court of appeal for this division, from two of the judges being often employed at the same time on the zillah and city jail deliveries, it has been found necessary to appoint a fourth judge of appeal and circuit for this division; whereby the jail deliveries have been since held at the regular periods fixed by Section III, Regulation III, 1797, and the four judges are now present at the city of Dacca. But under the provisions contained in Regulations XLVII, 1793, and III, 1797, two judges are competent to hold a court of appeal, and

whilst

whilst the business of the Dacca court of appeal, which has accumulated under the interruption above stated, shall remain in arrear, it will essentially promote the ends of justice to constitute an occasional second court of appeal for this division, when the presence of the four judges may admit of it. The Governor General in Council has therefore enacted the following regulation to be in immediate force.

For the purpose of expediting the decision of civil causes, two courts of appeal to be formed from the Dacca court of appeal at certain periods. The mode of forming these courts and the principles on which they are to proceed and decide, laid down.

II. Whenever the four judges of the Dacca provincial court of appeal shall be present at the city of Dacca, and shall not be engaged in holding the jail delivery of the city, or of Dacca Jelalpore, so that the whole of the judges can attend the civil court, they are authorized and directed, whilst the arrear of causes depending before them may require it, to form themselves into two courts of appeal. The first court to consist of the senior and junior judges, assisted by the cauzee attached to the provincial court. The second court to consist of the second and third judges, assisted by the moofty attached to that court. The four judges, who are to meet as usual upon all matters not specially referred to the first, or second court, so constituted, or any number of judges who under the existing regulations, may form a meeting of the regular court, shall be competent to refer to either of the courts so constituted, any cause, or causes, depending in appeal; and with respect to all causes so referred, each court shall possess the same powers as are vested by the regulations in the provincial court of appeal for the division of Dacca collectively. The second judge, who will preside in the second court of appeal, shall also possess, whilst acting in this capacity, the casting vote declared by Section II, Regulation XLVII, 1793, to be vested in the senior judge, in cases where a difference of opinion may arise, subject to the restriction contained in Section VII, Regulation III, 1797; if the second judge, in opposition to the third judge, should be of opinion that the decree of the zillah or city court, in appeal, ought to be altered or reversed, and the cause be not further appealable to the court of sudder dewanny adawlut. In

such

such cases, as well as in all cases, to which the above section may be applicable before the Dacca provincial court, the cause is to be brought before a third judge; or the whole of the judges, if present at Dacca; and decided by a majority of voices; the senior judge possessing a casting vote if the number of judges present be equal.

III. Whenever two courts of appeal for the division of Dacca may be constituted under the preceding section, the register shall attend the first court; and the senior assistant on the spot shall officiate as register to the second court. The meetings of both courts shall be held in separate apartments of the same court-house; or in such contiguous place as may be convenient to the parties and pleaders. The records of both courts shall remain with the established record-keeper; and all process shall be issued in the usual manner, for either court. If any additional native officers be requisite whilst the two courts are sitting, the judges are authorized to entertain the same, reporting the expence for the sanction of the Governor General in Council; but such additional establishment is to be continued only whilst the additional business arising from the sittings of the second court may indispensibly require it.

The officers to attend the two courts respectively, enumerated. The mode in which their process is to issue, explained. Authorized to entertain any necessary additional establishments.

IV. The object of this regulation being to provide for a speedy decision of the causes in arrear before the Dacca provincial court, the operation of it is to cease, whenever this end shall appear to the court of sudder dewanny adawlut to have been sufficiently accomplished. The provincial court will accordingly be guided by any instructions they may receive from the court of sudder dewanny adawlut to discontinue the formation of a second court of appeal under this regulation. The sudder dewanny adawlut is further empowered to issue any subsidiary instructions to the Dacca provincial court which may appear calculated to promote the object intended by this regulation.

Sudder dewanny adawlut empowered to determine the operation of this regulation, and to issue subsidiary instructions for giving it effect.

# A. D. 1802. REGULATION V.

A REGULATION *for making certain alterations in the rates of the government customs, and of the town duties in the provinces of Bengal, Behar, Orissa, and Benares; and for the better collection of the said customs and duties.*—PASSED *by the Governor General in Council, on the 8th of July 1802; corresponding with the 26th Assar 1209 Bengal era; the 23d Assar 1209 Fussily; the 26th Assar 1209 Willaity; the 23d Assar 1859 Sumbut; and the 7th Rubbee ul Awul 1217 Higeree.*

BY the existing regulations for the collection of the government customs, goods, the produce or manufacture of the territories ceded by the Vizier to the Honorable the East India Company, or of the reserved territories of His Excellency, on being imported into Behar by the route of the province of Benares, or directly into the province of Behar, are subject to the payment of government customs at the rate of five per cent, excepting

ing piece goods which pay the said customs at the rate of two and a half per cent; and if the said goods respectively are brought to Calcutta to be exported by sea, they are subject to an export duty of three and a half per cent on their exportation. Goods, the produce or manufacture of the province of Benares, on being exported from that province into the province of Behar, are subject to the payment of a government duty of two and a half per cent at the custom house in Benares, and on the arrival of the goods in Behar, they are subject to the payment of government customs at the rate of three and a half per cent at Patna; and no further government customs are chargeable on such goods, in their passage to any place within the provinces of Bengal, Behar, or Orissa, or in the event of their being brought to Calcutta for exportation by sea. Goods, the produce or manufacture of the provinces of Bengal, Behar, or Orissa, which are brought within the limits of the chokies of the custom houses established at Patna, Dacca, Moorshedabad, Chittagong, Hoogly, or Calcutta, are liable to the payment of government customs at the rate of three and a half per cent, at one of those custom houses; and if the goods are exported by sea from Calcutta within the period of nine months, calculating from the date of their importation, they are not subject to the payment of any further government customs. By the existing regulations for the collection of the Calcutta town duties, all the articles of inland imports specified in Regulation V, 1801, and Regulation X, 1801, whether produced or manufactured in the territories ceded by the Vizier to the Honorable East India Company; in the reserved territories of the Vizier; in the provinces of Bengal, Behar, Orissa, or Benares, or elsewhere; are, in addition to the before mentioned government customs, subject to the payment of a town duty of four per cent, excepting the articles of piece goods, cotton, and cotton yarn, on which articles the town duty is levied at the rate of two per cent; and a drawback of the town duties so levied, is allowed, under certain restrictions, on the articles of piece goods, raw silk, indigo, sugar, cotton, cotton yarn, and spirituous liquors manufactured according to the European process, exported

from

from Calcutta by sea. With a view of encouraging the commerce of the British territories subject to the immediate government of the presidency of Fort William, and of the reserved territories of the Vizier, and at the same time of improving the public revenues arising from the customs and duties, the Governor General in Council has deemed it to be advisable to make certain alterations in the rates of the government customs, and of the Calcutta town duties, and also to exempt certain articles from the payment of the government customs and the town duties. His Excellency in Council has further deemed it to be expedient to provide more effectually against the unnecessary detention of goods passing the government custom houses established in the interior of the country, as well as for the better collection of the government customs and of the Calcutta town duties; the following rules have been accordingly enacted, to be in force in the provinces of Bengal, Behar, Orissa, and Benares, from the date of their receipt at the custom houses established in those provinces.

II. *First.* Goods of every description, (with the exception of silk and cotton piece goods, and piece goods made partly of silk and partly of cotton, the duties on which shall be levied at the rates specified in Clause Third of this section,) not hitherto declared to be exempt from the payment of the government customs, which shall be imported from the territories ceded by the Vizier to the Honorable East India Company, or from the reserved territories of the Vizier, into the province of Benares, (whether the goods be of the manufacture or produce of such territories respectively or otherwise,) shall pay on their importation into Benares, government customs at the rate of two and a half per cent on the prices specified in the book of rates. If the said goods shall be imported into the province of Behar, they shall be subject to an import duty of two and a half per cent on the prices specified in the rowannah granted at the custom house in Benares. This import duty shall be paid at the custom house at Patna, and the collector of customs shall grant a rowannah, under cover of which the

All goods (except silk and cotton piece goods, &c.) imported from Oude, liable to pay customs at two and a half per cent on importation into Benares.

Customs at two and a half per cent on the Benares rowannah on importation into Behar, after which to be subject to no further duty throughout the provinces.

the goods shall pass to any place within the provinces of Bengal, Behar, and Orissa, exempt from all further duty, fee, or charge whatever, and without being subject to any detention on passing a custom house, excepting such as may be necessary for enabling the officers at the custom house to ascertain that the goods correspond with the rowanah. If the goods shall be brought to the town of Calcutta, and shall consist of articles declared to be subject to the payment of town duties, the goods (with the exception of the article of indigo manufactured according to the European process, entered for exportation by sea, the town duty on which shall be levied as directed in Clause Second of this section), on being imported into the town, shall pay the town duties at the following rates on the Calcutta prices of the several articles:

What town duties goods shall pay on being brought to Calcutta, and

| | |
|---|---|
| On cotton and cotton yarn, | two per cent. |
| On all other articles, | four per cent. |

Drawback to be allowed on the exportation of such goods by sea.

On the exportation of the goods by sea, (whatever may be the period which shall have elapsed subsequent to their importation into Calcutta,) a drawback shall be granted to the exporter, of three-fourths of the town duty levied on the goods, (excepting the article of salt-petre, the whole of the town duty levied on which shall be reserved for the public use,) and the goods shall be exempt from the payment of any export duty on their being so exported. The drawback of duty, allowed under this clause, shall be calculated on the Calcutta price of the goods at the time of their exportation.

Exception.

Such goods exempt from export duty on exportation.

What duties indigo manufactured after the European manner shall be subject to.

*Second.* Indigo manufactured according to the European process, and entered at Calcutta for exportation by sea, shall be subject to the same duties as the goods specified in the preceding clause, with this difference, that instead of being charged with the whole of the town duty on its importation into the town, it shall pay only one-fourth of the town duty, or one per cent on the valuation of one hundred sicca rupees per factory maund, which one per cent shall be reserved for the public use, and shall not be returned on the exportation of the indigo by sea.

*Third.*

*Third.* Silk and cotton piece goods, and piece goods made partly of silk and partly of cotton, imported from the territories ceded by the Vizier to the Honorable East India Company, or from the reserved territories of the Vizier, into the province of Benares, (whether the goods be of the manufacture or produce of such territories respectively or otherwise,) shall pay on their importation into the province of Benares, government customs at the rate of two and a half per cent on the prices specified in the book of rates. If the goods shall be imported into the province of Behar, they shall not be subject to any duty or fee whatever on their importation into that province, but shall pass under cover of the Benares rowannah to any place within the provinces of Bengal, Behar, or Orissa, exempt from all further duty, fee, or charge whatever, and without being subject to any detention on passing a custom house, excepting such as may be necessary for enabling the officers at the custom house to ascertain that the goods correspond with the rowannah. If the goods shall be brought to Calcutta, and shall be entered for exportation by sea, and the custom master shall be satisfied that the goods are intended to be so exported, the goods, on the rowannah granted at the custom house at Benares being delivered up and cancelled, shall be allowed to be imported into the town of Calcutta, without being subject to the payment of any town duty. Whenever the goods shall be exported by sea, they shall be subject to an export duty of two and a half per cent on the Calcutta prices.

What duties silk and cotton piece goods, &c. shall be subject to, on being imported and exported.

*Fourth.* In the event of goods of the descriptions specified in Clauses First, Second, and Third of this section, being imported from the territories ceded by the Vizier to the Honorable English East India Company, or from the reserved territories of the Vizier, directly into the province of Behar, without passing through the province of Benares, the goods described in Clause First of this section, shall pay a duty of five per cent, and the piece goods described in Clause Third, a duty of two and a half per cent at Patna, on the price of the articles specified in the Patna book of rates.

What duties such goods imported into Behar without passing thro' Benares are liable to.

What other rules are applicable to exports directly from Oude into Behar.

rates. The collector of the customs at Patna shall grant the necessary rowannahs on the payment of the said duties. With the above alterations, all the rules contained in Clauses First, Second, and Third, respecting exports from the ceded territories, and the reserved territories of the Vizier, into the province of Behar through the province of Benares, shall be deemed to be equally applicable to the exports from the said territories respectively, conveyed directly into the province of Behar, without passing through the province of Benares.

All goods manufactured or produced in Benares shall pay a duty of three and a half per cent at the Benares custom house on exportation into Behar.

III. *First.* Piece goods of every description manufactured in the province of Benares, and all other goods being of the produce or manufacture of that province, and not hitherto declared to be exempted from the payment of the government customs, (with the exception of the article of indigo manufactured according to the European process, the duties on which are to be levied at the rate specified in Clause Second of this section,) on being exported from that province into the province of Behar, shall pay a duty of three and a half per cent at the Benares custom house, according to the prices specified in the book of rates. The goods shall not be subject to any duty on their importation into the province of Behar, but shall be permitted to pass under cover of the rowannah to be granted at the custom house at Benares, to any place within the provinces of Bengal, Behar, or Orissa, exempt from all further duty, fee, or charge whatever, and without being subject to any detention on passing any custom house, excepting such as may be necessary for enabling the officers at the custom house to ascertain that the goods correspond with the rowannah. If the goods shall consist of silk or cotton piece goods, or of piece goods made partly of silk and partly of cotton, and shall be brought to Calcutta, and entered for exportation by sea, and the custom master shall be satisfied that the goods are intended to be so exported, the goods, on the rowannah granted at the custom house at Benares being delivered up and cancelled, shall be allowed to be imported into Calcutta, without being subject to the payment

Such goods not liable to any further duty in the provinces.

Silk and cotton piece goods, &c. for exportation not liable to payment of duties on importation into Calcutta.

ment of any town duty. When the goods shall be exported from Calcutta by sea, they shall be subjected to a further duty of two and a half per cent on the Calcutta prices. If the goods shall not be piece goods of the descriptions above stated, and shall be brought to Calcutta, and shall consist of articles declared subject to the payment of the Calcutta town duties, the goods shall pay the Calcutta town duties on their importation into the town at the rate of two per cent on the Calcutta prices, if consisting of cotton, or cotton yarn; and at the rate of four per cent on the Calcutta prices, if consisting of any other description of goods, excepting indigo manufactured according to the European process. On the exportation of such goods by sea, (whatever may be the period which shall have elapsed subsequently to their importation into Calcutta) a drawback shall be granted to the exporter of three-fourths of the town duty levied on the goods, (excepting the article of salt-petre, the whole of the town duty levied on which shall be reserved for the use of the public;) and the goods shall be exempt from the payment of any export duty on their being so exported. The drawback of duty allowed under this clause shall be calculated on the Calcutta price of the articles at the time of their exportation.

Export duty on such goods.

Rules respecting goods not of the above description on importation into Calcutta.

Drawback to be allowed on exportation of such goods.

How the drawback is to be calculated.

*Second.* Indigo manufactured according to the European process, and entered for exportation by sea, shall pay an export duty in Benares of two and a half per cent on the valuation of one hundred Benares sicca rupees the factory maund; the said indigo on its importation into the province of Behar, shall not be subject to the payment of any duty; on its arrival at Calcutta, it shall be exempted from the payment of any town duties, and on its exportation by sea from the port of Calcutta, it shall also be exempted from the payment of any export duty.

What duty indigo intended for exportation is liable to.

IV. *First.* Piece goods of every description manufactured in the provinces of Bengal, Behar, or Orissa, and all other goods the manufacture or produce of the said provinces, not hitherto declared to be exempted from the payment of the government customs

Piece goods and all other goods not exempted from duty the produce or manufacture of Bengal, &c. subject to a duty of three and a half per cent.

toms (Indigo excepted, the duties on which shall be levied at the rate specified in Clause Second of this section) shall be subject to a duty of three and a half per cent on the aurung price. Such duty shall be paid at either of the custom houses at Patna, Dacca, Moorshedabad, Chittagong, Hoogly, or Calcutta, and the custom master to whom the duty shall be paid, shall grant a rowannah for the goods, which shall exempt them from all further duty, fee, or charge whatever in their passage to any place within the limits of the provinces of Bengal, Behar, or Orissa, or through the said provinces to any place out of the limits thereof, to which they shall be exported, (provided the goods be not exported by sea,) and also from all detention on passing any inland custom house within the said provinces, excepting such as may be necessary for enabling the officers at the custom house to ascertain that the goods correspond with the rowannah. If the goods shall be silk or cotton piece goods, or piece goods made partly of silk and partly of cotton, and shall be brought to Calcutta, and entered for exportation by sea from the port of Calcutta, and the custom master shall be satisfied that the goods are intended to be so exported; the goods, on the rowannah being delivered up and cancelled, shall be allowed to be imported into Calcutta without being subject to the payment of any town duty. When the goods shall be exported from Calcutta by sea, they shall be subject to a further duty of two and a half per cent on the Calcutta price of the goods at the time of their exportation. If the goods shall not be piece goods of the descriptions above stated, and shall be brought to Calcutta, and shall consist of articles declared to be subject to the payment of the Calcutta town duties; the goods shall pay the Calcutta town duties on their importation into the town at the rate of two per cent on the Calcutta prices, if consisting of cotton or cotton yarn, or raw silk; and at the rate of four per cent, if consisting of any other description of goods, excepting indigo manufactured according to the European method. On the exportation of the goods by sea (whatever may be the period which shall have elapsed subsequent to their importation in Calcutta) a drawback shall be granted to the

Where such duty is payable.

Such goods exempted from all further duty;

except on exportation by sea.

Silk and cotton piece goods &c. entered for exportation by sea not liable to town duties on importation into Calcutta but to pay export duty on exportation.

What duties other goods are to pay on importation into Calcutta and on exportation by sea: what drawback to be allowed.

the exporter of three-fourths of the town duty levied on the goods, (excepting on the article of salt-petre, the whole of the town duty levied on which shall be reserved for the use of the public,) and the goods shall be exempt from the payment of any export duty on their being so exported. The drawback of duty allowed under this claule shall be calculated on the Calcutta price of the articles at the time of their exportation.

What duty indigo, the produce of Bengal, &c. is to be liable to.

*Second.* Indigo the produce of the provinces of Bengal, Behar, or Orissa, manufactured according to the European method, shall pay a duty of two and a half per cent on the valuation of one hundred sicca rupees per factory maund, on its removal from the place of manufacture. The duty shall be payable at either of the government custom houses. On the arrival of the indigo at Calcutta, it shall be exempted from the payment of any town duties, and on its exportation from Calcutta by sea, it shall also be exempted from the payment of any export duty.

What duty piece goods not having paid duty on the aurung prices shall pay on importation into Calcutta.

V. Piece goods of every description, or any other goods manufactured or produced in the provinces of Bengal, Behar, or Orissa, and not hitherto declared to be exempt from the payment of the government customs, which shall be brought to Calcutta without having paid the government duty of three and a half per cent on the aurung, or other prescribed price, under Section IV, shall pay the said duty at the Calcutta custom house on the Calcutta price of the goods, instead of the aurung or other prescribed price. After the payment of such duty, the goods shall be deemed to stand in every respect in the same predicament as goods of the same description having paid the prescribed government duty at any one of the government custom houses under Section IV, of this regulation, previously to their arrival at Calcutta, and shall be entitled accordingly to the benefit of the rules contained in the said section applicable to such goods.

Goods not produced or manu-

VI. *First.* Piece goods of every description, and all other goods, the

factured in the provinces, or in Oude, to pay three and a half per cent. on importation, and no other duty previous to their arrival at Calcutta.

the produce or manufacture of any place without the limits of the provinces of Bengal, Behar, Orissa, and Benares; of the territories ceded to the Company by the Vizier; and of the reserved territories of His Excellency; which shall not have been hitherto declared to be exempt from the payment of government customs, and which shall be imported from inland into the provinces of Bengal, Behar, or Orissa, shall pay an import duty of three and a half per cent at one of the government custom houses in the said provinces. After the payment of such duty, the goods shall be deemed to stand in every respect in the same predicament as goods of the same description having paid the prescribed government duty at any one of the government custom houses under Section IV, of this regulation, previously to their arrival at Calcutta, and shall be entitled accordingly to the benefits of the rules contained in the said section applicable to such goods.

Exception respecting imports from Napaul.

*Second.* Goods imported from the dominions of the rajah of Napaul, shall so far form an exception to the rule contained in the preceding clause, that they shall be subject to a duty of only two and a half instead of three and a half per cent, on their importation into either of the provinces of Bengal, Behar, or Orissa.

How the custom master at Calcutta is to proceed respecting goods suspected to be rated differently from their value.

VII. If any goods shall arrive at Calcutta under cover of a rowannah granted at any of the government custom houses under Sections IV, and VI, of this regulation, and it shall appear to the custom master at Calcutta on an examination of the goods, that they are rated in the rowannah below the ordinary aurung price of such goods, he shall retain a muster of the goods, and if it shall appear to him on full enquiry that the goods are under-rated, he shall collect the established duties on the amount in which the goods may appear to be under-rated. The goods shall not be detained until the enquiry shall have been completed, provided the owner of the goods shall give security to pay the additional amount of duty which may be required of him. The custom master of Calcutta shall

report

report to the board of trade all cases in which he may exercise the powers vested in him by this section.

VIII. *First.* If silk and cotton piece goods, or piece goods made partly of silk and partly of cotton, (wherever such goods shall have been produced or manufactured) shall have been imported from inland into the town of Calcutta for the purpose of being exported from thence by sea, and the owners of such goods instead of exporting the goods from the port of Calcutta by sea, shall request to be allowed to send the goods to any of the foreign settlements in Bengal, the goods shall pay the export duty of two and a half per cent on being dispatched to the foreign settlements in the same manner as if the goods had been exported from Calcutta by sea.

Silk and cotton piece goods, &c. imported into Calcutta, for exportation, to pay the export duty on being carried to the foreign settlements.

*Second.* If any goods, which on their importation into the town of Calcutta, shall have paid the town duties, shall be sent to either of the foreign settlements in Bengal, the part of the town duties on such goods shall be returned.

No drawback of town duties allowed on goods sent from Calcutta to the foreign settlements.

IX. *First.* Goods the produce or manufacture of the provinces of Bengal, Behar, or Orissa, or of any place out of the limits of the said provinces, with the exception of the province of Benares; of the territories ceded by the Vizier to the Honorable Company; and of the reserved territories of the Vizier, which shall have been brought from inland for importation into the foreign settlements on the river Hoogly, without having previously paid the government customs on the aurung or other prescribed price, shall be charged by the collector of customs at Hoogly, with such duty on the Calcutta price, in the same manner as goods brought to Calcutta without having paid that duty, are required to be charged with it by Section V, and VI, of this regulation.

How duty is to be levied on goods imported from inland into foreign settlements which have not before paid duty.

*Second.* Silk and cotton piece goods, and piece goods, made partly of silk and partly of cotton, exported from any of the foreign

What duty to be paid on silk and piece goods, exported from

the foreign settlements by sea.

foreign settlements by sea, shall pay to the collector of Hoogly an export duty of two and a half per cent on the Calcutta prices, in the same manner as if the goods had been exported from Calcutta, unless the goods shall have been previously charged with the export duty under Section VIII.

Rule in Section VII, extended to goods imported into foreign settlements.

*Third.* The collector of the government customs at Hoogly shall conform to the rule prescribed for the guidance of the collector of government customs at Calcutta, in Section VII, of this regulation, in the event of goods arriving at any of the foreign settlements under rowannahs in which the aurung prices of the goods alluded to in that section, shall appear to be under-rated.

Goods imported into the foreign settlements not having paid the import duties, shall be liable to duties on export into the interior of the country.

*Fourth.* Goods imported into any of the foreign settlements on the river Hoogly by sea, and which shall not have paid the import government customs at Calcutta, shall on their exportation from the said settlements into the interior of the country, pay to the collector of customs at Hoogly, government customs at the rates with which the goods would have been charged with the said customs, if they had been imported at Calcutta. The collector of customs at Hoogly shall grant a rowannah which shall exempt the goods from the payment of any further government customs in their passage to any place within the limits of the provinces of Bengal, Behar, or Orissa, or in their passage through the said provinces to any place out of the limits thereof, to which they shall be exported inland.

Detention of goods under rowannahs limited to one day.

X. In all the cases specified in this regulation, and in all other cases in which the officers of the custom houses are authorized to detain goods passing the custom houses under cover of a rowannah, it is hereby ordered that such detention shall in no case exceed one day, and shall in all cases be limited to a period as much shorter as may be practicable.

Piece goods, &c. imported into

XI. Piece goods of whatever description, and also all other goods,

goods, being of the description of goods which are subject to the payment of the town duties, imported from inland into the town of Calcutta for consumption, shall pay the full town duties on their importation, and such duties shall be paid in cash or treasury bills. If any goods having paid the town duty shall be exported from the port of Calcutta by sea, (whatever period may have elapsed subsequently to the importation of the goods,) a drawback shall be allowed to the exporter of three-fourths of the town duty, (excepting on the article of salt-petre) such drawback of duty to be calculated on the Calcutta price of the articles at the time of their exportation. No drawback of the town duties shall be allowed on salt-petre so exported.

Calcutta to pay full town duties, and

Drawback to be allowed on exportation.

No drawback allowed on salt-petre.

XII. All goods whatever imported at Calcutta by sea, which are not declared to be exempt from the payment of duty, shall henceforth pay the established government customs and Calcutta town duties. If any of the said goods shall be afterwards exported from Calcutta by sea (whatever period may have elapsed subsequently to their importation) a drawback shall be allowed to the exporter of two-thirds of the government customs and of the Calcutta town duties, such drawback of the government customs and of the town duties to be calculated on the Calcutta price of the articles at the time of their exportation, unless the duties on the importation of the articles into Calcutta shall have been levied according to a book of rates, in which cases the drawback shall be calculated according to such rates.

All goods imported by sea which are not declared exempt, shall be subject to the government customs and town duties.

Drawback to be allowed on exportation.

XIII. Beetle-nut and pepper, the produce of the provinces of Malabar, and Canara, imported into Calcutta, shall not be subject to the import government duty of three and a half per cent, but shall pay only the town duty of four per cent, provided that the importer of the beetle-nut and pepper shall produce a certificate from the collector of the customs in Malabar, and Canara, that the articles are the produce of those provinces.

Beetle-nut and pepper the produce of Malabar, &c. to pay the town duty only, on producing certificate of the collector.

Certain articles exempted from payment of government customs.

XIV. The following articles shall henceforth be exempted from the payment of government customs throughout the provinces of Bengal, Behar, Orissa, and Benares, and also from the town duties at Calcutta, Patna, Dacca, Moorshedabad, and Beharess:

Indigo seed,
Paun,
Durma,
Moula,
and
Hoogla,
} Mats.

XV. *First.* Whereas doubts have been entertained what shall be deemed to be the prime cost of the goods in the invoices or bills directed to be exhibited to the collector under Clause Third, Section IV, Regulation XI, 1800, the following rule has been enacted in amendment of the rules contained in the said clause.

Rules in cases of doubt, respecting the prime cost.

*Second.* If the original invoices or bills shall not be produced to the collector, or if there shall appear to him cause for belief, that the invoices or bills do not show the prime cost of the goods, by which is to be understood their prime cost in the country, of which they may be the produce or manufacture, the duty shall be settled, after adding the usual per centage on the Calcutta price at the time of their importation.

All articles for private sale, parcels, &c. from Europe excepted, declared liable to government customs and town duties.

XVI. Clause Fifteenth, Section IV, Regulation V, 1801, is hereby repealed, and in future all articles for private use, being of the description of articles declared to be subject to the payment of the government customs and of the Calcutta town duties, (excepting parcels and necessaries from Europe which the custom master is to pass at his own discretion,) which shall be imported into the town of Calcutta, shall pay the established government customs and town duties in the same manner as other merchandise imported.

XVII. No person or persons shall in future be exempted from the payment of the government customs, or of the Calcutta town duties, without the special orders of the Governor General in Council. In cases in which the Governor General in Council may deem it to be proper to grant an exemption from the established duties to individuals, the custom master will be furnished with special orders regarding such exemption.

No persons to be exempted from payment of duties without special order of the Governor General in Council.

XVIII. The duty of three and a half per cent collected on red and white wines of whatever kind imported by sea in casks, shall in future be calculated on the price of thirty pounds sterling per pipe.

How the duty on wines is to be calculated.

XIX. Goods which may be brought into the town of Calcutta on application, as returned goods, without having been registered on being carried out of the town, shall be subject to the payment of the established duties in the same manner, as if the goods had never been imported into the town.

Goods brought into Calcutta as returned goods without having been registered on going out to be liable to duties.

XX. On all exchanged rowannahs granted under Clause First, Section XV, Regulation XI, 1801, the collectors of the government customs are authorized to levy for their own benefit, and that of their deputies, a fee at the rates specified in Clause Third, Section XII, Regulation XI, 1801, on the value of the goods specified in the original rowannah.

Fees on exchanged rowannahs to be levied as specified in Clause Third, Section XII, Regulation XI, 1801.

XXI. The collector of the government customs at Calcutta is to keep a register of all piece goods, and of indigo imported into Calcutta from the interior of the country under rowannah, and which shall be entered for exportation by sea; and he is authorized to levy for his own benefit, and that of his deputy, a fee at the rates specified in Clause Third, Section XII, Regulation XI, 1801, on the value of the goods specified in the rowannah.

Collector of government customs at Calcutta, to keep a register of goods imported under rowannahs, and for exportation by sea, and to levy a fee.

XXII. The collector of government customs at Calcutta is authorized to levy a commission of five per cent upon the amount of

The collector of government customs at Calcutta to levy a com-

mission on export duties to be divided between him and his deputy.

of the export duty by sea of two and a half per cent collected on the goods which pay that duty, and also upon the computed amount of the same duty on the goods which are exempt from it, money, bullion and grain excepted, upon which articles commission shall not be levied. The amount of the commission shall be divided between the collector and his deputy, in the following proportions:

Nine-tenth parts to the collector.

One-tenth part to the deputy collector.

All former regulations not hereby rescinded to be considered in force.

XXIII. All regulations for the collection of the government customs at Calcutta, Hoogly, Moorshedabad, Patna, Chittagong, and Dacca, and in Benares; and for the collection of the Calcutta town duties, which were in force previous to the date of this regulation, and which are not hereby altered or rescinded, shall be considered to be in full force, and the said customs and town duties respectively shall be levied, and shall be payable under the same rules, regulations, and restrictions, as were in force before the passing of this regulation.

Except the exemption in Section XIV, no part of this regulation to extend to the town duties at Patna, &c. &c.

XXIV. With the exception of the exemption from town duty, granted on the articles specified in Section XIV, of this regulation, no part of this regulation shall be considered to extend to the town duties collected at the cities of Patna, Dacca, Moorshedabad, and Benares, which duties shall be levied as heretofore under the rules contained in Regulation X, 1801.

# A. D. 1802. REGULATION VI.

A REGULATION *for preventing the sacrifice of children at Saugor and other places.*—PASSED *by the Governor General in Council, on the 20th August 1802; corresponding with the 5th Bhadoon 1209 Bengal era; the 7th Bhadoon 1209 Fussily; the 5th Bhadoon 1209 Willaity; the 8th Bhadoon 1859 Sumbut; and the 20th Rubbee us Saanee 1217 Higeree.*

IT has been represented to the Governor General in Council, that a criminal and inhuman practice of sacrificing children, by exposing them to be drowned, or to be devoured by sharks, prevails at the island of Saugor, and at Bansbaryah, Chaugdah, and other places on the Ganges. At Saugor especially such sacrifices have been made at fixed periods, namely, the day of full moon in November and in January, at which time also grown persons have devoted themselves to a similar death. Children, thrown into the sea at Saugor, have not been generally rescued, as is stated to be the custom at other places; but the sacrifice has,

on the contrary, been completely effected, with circumstances of peculiar atrocity in some instances. This practice, which is represented to arise from superstitious vows, is not sanctioned by the Hindoo law, nor countenanced by the religious orders, or by the people at large; nor was it at any time authorized by the Hindoo or Mahomedan governments of India. The persons concerned in the perpetration of such crimes, are therefore clearly liable to punishment; and the plea of custom would be inadmissible in excuse of the offence. But, for the more effectual prevention of so inhuman a practice, the Governor General in Council has enacted the following regulation, to be in force from the promulgation of it, in the provinces of Bengal, Behar, Orissa, and Benares.

The offence of destroying persons not arrived at maturity by throwing them into water declared murder and punishable with death. Trials of principals and accomplices in the offence to be referred to the nizamut adawlut. That court how to pass sentence. To report to government, enhanced or deemed deserving of mercy.

II. If any person or persons shall wilfully, and with the intention of taking away life, throw or cause to be thrown, into the sea, or into the river Ganges, or into any other river or water, any infant, or person not arrived at the age of maturity, with or without his or her consent, in consequence whereof such person, so thrown into water, shall be drowned, or shall be destroyed by sharks or by alligators, or shall otherwise perish; the person or persons, so offending, shall be held guilty of wilful murder, and on conviction, shall be liable to the punishment of death; and all persons, aiding or abetting the commission of such act, shall be deemed accomplices in the murder, and shall be subject to punishment accordingly. The trials of prisoners convicted, as principals or accomplices, of the crimes specified in this section, shall be referred to the court of nizamut adawlut; which is to pass sentence thereupon according to Section LXXV, Regulation IX, 1793; whatever may be the futwah of the law officers of that court, or report, to the Governor General in Council the case of any prisoner, who may appear to that court to be a proper object of mercy; in conformity with Section LXXIX, Regulation IX, 1793.

III. If a child or any person not arrived at maturity, be thrown into water, as stated in the preceding section, and be rescued from destruction, or by any means escape from it, the persons, who shall have been active in exposing him or her to danger of life, and all aiders and abettors of such act, shall be held guilty of a high misdemeanor; and on conviction, shall be liable to such punishment as the courts of circuit: under the futwah of their law officers, may judge adequate to the nature and circumstances of the case.

In cases where the persons thrown into the water, shall escape death, the offence deemed a high misdemeanor and punishable by temporary imprisonment to be adjudged by courts of circuit.

IV. The magistrates of districts, wherein the sacrificing of children may have been hitherto practised, are required to be vigilant to prevent the continuance of the practice; and shall cause the provisions of this regulation to be from time to time, proclaimed at the places, and in the season, where, and when, such sacrifices have hitherto been effected.

Magistrates to be vigilant against the practice and to proclaim the provisions of this regulation.

128

# A. D. 1802. REGULATION VII.

A REGULATION *for the exemption of certain articles imported into Bengal by sea from the payment of any duties or customs on their transportation to places in the interior of the country.*—PASSED *by the Governor General in Council, on the 18th November 1802; corresponding with the 4th Aughun 1209 Bengal era; the 9th Aughun 1210 Fussily; the 4th Aughun 1210 Willaity; the 9th Aughun 1859 Sumbut; and the 21st Rajeeb 1217 Higezee.*

WHEREAS with a view of promoting the import trade to Bengal by sea, and also of enabling the civil and military servants of His Majesty and of the Honorable the East India Company, serving under the presidency of Fort William, and also all British subjects permitted to reside in the territories subject to the immediate government of the said presidency, to obtain articles of necessary consumption so imported at a fair and moderate price, it was enacted by Clause First, Section X, Regulation XI, 1801, that goods imported into Bengal by sea, after having paid the government customs at the custom houses at Calcutta, Hooghly, or Chittagong, shall not be subjected to any further duty on

their

their being exported into the interior of the country during the period for which the rowannahs under which they were exported are declared to be current: And whereas by Clause Second, of the aforesaid section and regulation, it is further enacted, that goods of the abovementioned description and under the circumstances above stated which shall be cleared out from either of the aforementioned custom houses, for the purpose of being exported through the interior of the provinces of Bengal, Behar, or the part of Orissa subject to the dominion of the Company, shall be entitled to a rowannah exempting them from the payment of any duty in their passage through the interior of the said provinces, and also on their exportation therefrom, provided the goods shall be exported within the period for which the rowannahs are declared to be current: And whereas, notwithstanding the said provisions, representations have been received by the Governor General in Council, stating the enhanced charge which the civil and military officers and other Europeans, stationed or residing in the province of Benares, and in the territories ceded to the Honorable Company by the Vizier, are subjected on the purchase of articles of necessary consumption imported into Bengal by sea, by reason of the duties levied on such articles in the province of Benares, and in the said territories; the Governor General in Council, with a view of affording relief to all such persons, and also of encouraging the importation of such articles into Bengal, has enacted as follows.

Certain articles imported into Bengal by sea after paying the established customs at Calcutta, Hooghly, or Chittagong, shall not be subject to any further duty.

II. The undermentioned articles, after having paid the established customs at the custom houses of Calcutta, Hooghly, or Chittagong on their importation into Bengal by sea, shall not be subject to any further duty whatsoever, either on their transit to, or importation at, any place in the provinces of Bengal, Behar, or in that part of Orissa which is under the dominion of the Honorable Company, or in the province of Benares, or on their exportation to the territories ceded by the Nawaub Vizier to the Honorable Company, or to His Excellency's reserved territories. And upon any of the said articles being exported into the interior of the

Collectors of government cus-

country, the collectors of the government customs at Calcutta, Hooghly, and Chittagong, respectively, shall grant rowannahs free of duty, which shall exempt them from the payment of any further duty accordingly.

toms at Calcutta, Hooghly, and Chittagong to grant rowannahs free of duty.

Liquors of all kinds,
Cheeses,
Hams,
Grocery,
Confectionary,
Oilman's stores,
Tea,
China and earthen-ware,
Glass-ware,
Tin and japaned-ware,
Hard-ware,
Cutlery,
Ironmongery,
Hosiery,
Broad cloth superfine, and kerseymere,
Buttons,
Shoes and boots,
Hats,
Flannel,
Blankets,
Irish linen,
Manchester goods,
Great coats, and boat cloaks,
Leather breeches, pantaloons and gloves,
Millinery,
Nankeen cloth,
Coast cloths,
Perfumery,
Furniture,
Saddlery,
Books,
Stationary.

A fee to be levied on every rowannah granted by the collectors of government customs at Calcutta, Hooghly, and Chittagong, in virtue of this regulation.

The fee how to be disposed of,

III. On every rowannah granted by the collectors of the government customs at Calcutta, Hooghly, and Chittagong, in virtue of this regulation they are authorized to levy, for their own benefit respectively, a fee at the rates specified in Clause Third, Section XII, Regulation XI, 1801. The fee levied by the collector of the government customs at Calcutta, shall be divided between him and his deputy in the same proportions as are prescribed by Clause Second, of the same section and regulation, for the division of the commission.

When this regulation is to take effect.

IV. *First.* This regulation shall take effect from the time of the receipt of it at the custom houses of Calcutta, Hooghly, Chittagong, and Benares, respectively.

*Second.* Provided nevertheless, that any of the said articles which may have been cleared out for any place beyond the province of Behar, prior to the receipt of this regulation, but which may not have arrived thereat, shall be entitled to the benefits of this regulation under the rowannahs which may have been granted for them in virtue of Section X, Regulation XI, 1801.